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OBSTACLES AND HOPES

PERSPECTIVES FOR DEMOCRATIC DEVELOPMENT IN EL SALVADOR

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10 ans / years

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  - ARENA, Asociación Nacional de la Empresa Privada (ANEP) —National Association of Private Enterprise
  - CENITEC, Centro de Estudios de la Mujer Alba Virginia Guirola de Herrera (CEMUJER) —Centre for Women's Studies
  - Centro de Estudios para la Aplicación del Derecho (CESPAD) — Centre for Studies on Implementation of the Law
  - Centro de Investigaciones Antropológicas para el Desarrollo de El Salvador (CLADES) — Anthropological Research Centre for the Development of El Salvador
  - Comisión de Derechos Humanos de El Salvador (CDHES) — Human Rights Commission, Consejo Nacional Indio Salvadoreño (Salvadoran National Indian Council)
  - Convergencia Democrática (Democratic Convergence) COPAZ
  - Directors of Istmo Editores
  - Directors of *Revista Tendencias*
  - Federación de Asociaciones y Sindicatos Independientes de El Salvador (FEASIES) — Federation of Independent Associations and Trade Unions
  - Frente Farabundo Martí para la Liberación Nacional (FMLN) — National Liberation Front
  - Armed Forces of El Salvador
  - F. Ebert Foundation
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  - Instituto de Estudios Jurídicos de El Salvador (IEJES) — Legal Studies Institute
  - Instituto de Investigaciones Económico-Sociales (IIES) de la Universidad Centroamericana José Simeón Cañas — Economic and Social Research Institute
  - Instituto Internacional de Cooperación de los Pueblos (IICP) — International Institute for Peoples' Cooperation
  - Movimiento Nacional Revolucionario (MNR)
  - Oficina de la Mujer
  - Oficina de Tutela del Arzobispado de San Salvador
  - ONUSAL
  - Parroquia de Calle Real —Parish
  - Parroquia de Sta. María Madre de los Pobres
  - Partido Demócrata Cristiano — Christian Democrat Party
  - Partido de Conciliación Nacional (PCN) — National Conciliation Party
  - Procuraduría para la defensa de los Derechos Humanos de El Salvador (Office of the Human Rights Ombudsman)
  - Revista Mesoamérica
  - Sexto Encuentro Feminista
  - Unidad Nacional de Trabajadores Salvadoreños (UNTS) —National Unity of Salvadoran Workers
  - Universidad de El Salvador
  - Washington Office on Latin America (WOLA).

Obstacles and Hopes: Perspectives for Democratic Development in El Salvador is an analysis of the prospects for democratic development in a country scarred by a civil war that lasted almost 12 years, with a history of authoritarian rule, social exclusion, and extreme poverty. The effects of the 1980s economic crisis, felt all over Latin America, were much more acute in El Salvador where the existing levels of misery and exclusion were exacerbated.

Democratic consolidation is examined from the perspective of a developing democracy whose pivotal point is the daily evolution of respect for human rights as defined operationally in the project "Human Rights and Democratic Governance", by the International Centre for Human Rights and Democratic Development in Canada, for whom this report was written.

Part One of the document summarizes the nature of the research project and its theoretical and methodological aspects.

Part Two briefly analyzes the roots of the Salvadoran crisis and proposes, by way of a general explanation of the crisis, the effects on the population of incomplete modernization induced from abroad in a society that systematically produced exclusions at all levels where modernization was attempted. Thus the direct causes of the civil war were not only backwardness and poverty but also the way modernization was introduced, which heightened differences and, above all, made them more visible.

Part Three briefly discusses the civil war and its effects, as well as the electoral processes from 1982 on. Life in El Salvador in the 1980s was characterized by simultaneous attempts at political stabilization through the vote, repeated efforts to pacify the country, and a fratricidal war. Violations of human rights were daily and on a mass scale. After ten years of bloody, destructive conflict, it became clear that the solution would not be military but political. The futility of armed struggle led, after many attempts, to the signing of the Peace Accords at Chapultepec in January 1992. 80,000 Salvadorans died in the war and a good part of the infrastructure of services was destroyed; over one million people left the country and almost half a million others were forced to move elsewhere in the country.

The attempt at political stabilization through elections began with a constituent assembly and a new Constitution (1982). There followed seven elections for members of the Legislative Assembly, mayors and the president. Two civilian governments (and parties) were elected: first José Napoleón Duarte, a Christian Democrat, and then Alfredo Cristiani, from a new right-wing party called ARENA.

Part Four goes into some detail about the fulfilment in 1992-1993 of the Peace Accords, a commitment involving not only the FMLN and the government but the whole of Salvadoran society. The Accords outlined the perspective of a democratic and peaceful society. This is the longest part of the report because all the points in the Accords are touched on.

It is important, for example, to mention the findings of the Truth Commission, which was an effort to reconstruct from the collective memory the brutal murders committed by the Armed Forces and paramilitary groups as well as the excesses of the guerrilla forces. Also important are the efforts to disarm the FMLN and reduce the size of the Army, the disappearance of two police forces charged with committing violence against the population, the founding of the National Civil Police, the operations of the Office of the Human Rights Ombudsman and of COPAZ, all with United Nations support.

An analysis of the Peace Accords highlights contradictory results and underscores the difficulties of overcoming the authoritarian past in a short period of time. Various agreements have had to be rescheduled and others have been postponed in a context that was determined by the election campaign until April 1994. In this section we mention political assassinations, threats and other acts of force that marred the climate of the political campaign as well as the growing insecurity provoked by a rocketing increase in crime.

We discuss the "elections of the century" (March-April 1994), in which the organization of the FMLN took part for the first time in Salvadoran history. The elections were won, in the second round, by Armando Calderón Sol, from ARENA. The FMLN and its allies emerged as the second political force. The period prior to the elections was witness to a revival of the worst signs of political violence, the resurgence of the death squads and insecurity in the cities.

Part Four also examines the most important aspects of building a democratic society such as the right to security and social participation, the right to welfare and to non-discrimination in its various forms. In a society used to political violence, the observance of standards and procedures to ensure respect for human rights becomes especially important. We have included information gleaned from many in situ interviews with prominent Salvadorans on the subjects of the Peace Accords, political life, the challenges of developing democracy, and so forth; this is a descriptive section with documentary value.

Part Five contains a series of provisional conclusions and recommendations. The conclusions attempt to include a summary of the research project and indicate that present in Salvadoran society are three transitions, all occurring simultaneously but each at a different pace. The first is from civil war to peace and national reconciliation; the second, the transition from an agricultural economy, with a small industrial base protected by the state, to an open, market-based economy attempting to break into the global market. The third is the transition from authoritarian-military life to a democratic and participatory society.

The challenge involved in this daunting effort is that the job must be done by the same social and political actors who took part in or suffered the crisis: the Salvadorans; and it must be done using the scanty human and material resources available and with the bitterness and pain caused by the bloody war. The report as a whole and the conclusions in particular are permeated with a measure of cautious optimism laced with hope, because the departure point to build democracy and to have human rights respected is very poor. Nevertheless, the relative achievements of the past two years clearly reflect a will to change, although it is contradictory and incomplete; they also highlight the enormous difficulties to be overcome.

The recommendations are undoubtedly difficult to achieve. El Salvador will not be able to reach some of the most important objectives of peace and democracy without international economic solidarity. In the new climate following the ARENA win, with the confidence the business sector now has since it is in full political control, foreign aid must set new goals on the basis of the experiences of the past 18 months of peace and the previous ten years of war. We raise three points that require urgent attention but with a perspective of long-term development:

- overcoming poverty through a program of sustainable development.
- Overcoming violence as a form of expression of repressive power in the home, in civil society and the state.
- Overcoming non-participation in decision making at all social levels, with no discrimination by gender, socio-economic status, religion, ethnic group, ideology or geographic area, thereby overcoming the anti-rural bias that has existed so often.

The main points to develop in the short term are:

- Training or education in democratic and national reconciliation practices.
- Defence of human rights and legal protection.
- Strengthening of organizing and social participation mechanisms.

What is important about any project is that it strengthen forms of participation by civil society, which is why the NGOs, when reorganized, have a major role to play. Foreign aid should rely on them.

San José, June 30, 1994

The Research Project

1 INTRODUCTION

The International Centre for Human Rights and Democratic Development (ICHRDD) was established by the Canadian Parliament in 1988. Its mandate is to promote and defend democracy and human rights, with a particular focus on developing countries. In El Salvador, the Centre supports human rights NGOs, women's organizations and trade unions.

The transition from war to peace requires new strategies, based on national and international analysis, to lay the foundations for democratic development by the government, civil society and international organizations.

The Centre seeks to contribute to this process by evaluating El Salvador's current political development through the lens of human rights. The rationale and true meaning of the present study are to be found not only in this society's specific history, which is unique from many points of view, but, more especially, in the particular circumstances that define the current situation.

If both historical background and current circumstances related to political democracy — and particularly to democratic development — are to be considered as a whole, certain key questions must be formulated and answered:

First, what kind of crisis produced the brutal effects suffered by El Salvador as of the mid-1970s? What were the causes of this crisis and how can it be characterized in a way that will enable us to understand the effects that still persist and whose consequences have changed Salvadoran society to an extent yet to be sufficiently determined?

Second, is it possible to build a democratic society in the context of the conditions created by the crisis and its effects? Moreover, in a country with no history of democracy, civic culture, and

no record of respect for human rights, what challenges or obstacles could now serve to promote or obstruct the construction of a democratic society? More precisely: can democratic development and respect for human rights — the latter being the basic premise for the former — be viable in Salvadoran society when this project comes at the end or as a result of a civil war?

Third, which domestic social forces, organizations, leaders, programs, actions and behaviour patterns foment or hinder democratic development and respect for human rights? What strictly structural factors are present in the fields where social and political actors operate? What external interests exist, and how do they react in the ambiguous construction of a democratic society in El Salvador?

II THE RESEARCH PROJECT

This paper stems from ICHRDD's commitment to understand democratic development from the perspective of civil-society actors; the degree to which they are organized and the appropriate strategies to deepen popular participation. Special emphasis is placed on human rights, which are seen as the key to building an effective democracy.

This project assumes that a set of key human-rights indicators is common to all current international processes of building democratic societies, no matter how different each national experience may be. These indicators include aspects such as security, participation, welfare, non-discrimination and how political institutions function. The rights measured by these indicators are recognized in key international conventions or declarations.

This makes it possible to adopt a "double-entry" table that brings together and synthesizes the different aspects mentioned above:

Table 1
DEMOCRATIC SOCIETY INDICATORS[1]

HUMAN RIGHTS	International Conventions (Articles)			
	UD[2]	CPR[3]	ESCR[4]	CEDAW[5]
SECURITY				
Freedom from				
Extra-judicial killing	3	6		
Torture	5	7		
Arbitrary arrest and detention	8-11	9, 10, 14		
PARTICIPATION				
Freedom to take part in government parties, voting, elections	21	25		7, 8
Freedom to express opinions	19	19		
Freedom to associate in groups trade unions, political parties, advocacy by NGOs	20	22	8	
WELFARE				
Education	25, 2		13	10
Health care	25		12	12
NON-DISCRIMINATION				
Gender rights	16, 17	3, 23		3, 13
Cultural rights	2, 18, 27	1, 18, 27, 2	15	
POLITICAL INSTITUTIONS				
Rule of law (legislature, executive, judiciary)	6, 10, 11	9, 10, 14, 1, 6		2, 15

Source: Gillies, David; 1993, p. 3.

1 These indicators will be defined further on in the present document.
2 UD refers to the Universal Declaration of Human Rights.
3 CRP refers to the Covenant on Civil and Political Rights.
4 ESC refers to the Covenant on Economic, Social and Cultural Rights.
5 CEDAW refers to the Convention on the Elimination of All Forms of Discrimination Against Women.

The project establishes a close link between the monitoring of human rights and the building of democracy. Democracy is defined as the societal process through which all human rights are realized. Basic human rights are not defined abstractly, but rather taken from existing international conventions in which they are recognized and established. They include civil, political, gender, social, economic and cultural rights.

The concept of democracy includes both political democracy and the notion of developing democracy. Political democracy refers to the participation and representation of active citizens (parties, elections, elites, etc.), whereas developing democracy is based on the idea that civil and political rights are tools to advance equality of condition and equal opportunities.

It is also important to determine how the term "civil society" is to be conceptualized because it has become increasingly imprecise as a result of reiterative use and inevitable popularization. We use a restrictive and operational notion of this concept by which civil society is the non-state world where private interests beyond strictly family boundaries are promoted and organized. In other words, civil society comprises those units capable of expressing community interests and, by doing so, they transcend the private realm and move toward public and political fields in which they become a decisive force in the face of the state or of the dominant interests linked to power.[1]

Consequently, from this perspective, a strong civil society must have at least four characteristics, though in differing degrees: (a) the poor and the many are organized and politically active; (b) associations that are politically independent of the state; (c) a culture of tolerance; and (d) substantive equality of access to the state for all groups without discrimination based on gender, race, religion or ideology. (Broadbent, Edward; 1993, p. 4)

III METHODOLOGY

The Centre chose two Central American social scientists — a man and a woman — to do the research. The study was then socialized in a workshop held in San Salvador in August 1994. The workshop brought together the main national and international stakeholders and considered directions for future action. The summary of that workshop is appended to this text.

The research documents the quality of democracy in Salvadoran society in a unique period marking: (a) the first year without civil war or generalized political violence, in a process intended to achieve peace on a national level; (b) elections for a new president, National Congress, mayors and representatives to the Central American Parliament permeates all social and political life and constitutes the axis for organization and democratic participation; and (c) the international climate in favour of democracy and the direct interest in El Salvador on the part of the international community.

The indicators used to determine the quality of the process of building a democratic society are internationally acknowledged human rights that reflect the dignity and worth of the human being. (See Table 1). These indicators have been divided into four categories that represent the full spectrum of international human rights. The right to security guarantees a life without fear of authorities. The right to participation means both voting and contesting power, and the freedom to organize. Welfare rights focus on education and health to represent a larger basket of social and economic rights concerned with basic human needs, such as housing and livelihood. Non-discrimination establishes equality rights and the right to participate regardless of gender, ethnic origin, religion, disabilities, etc. Here, we focus on the cultural rights of minorities and gender equality. Finally, a set of indicators examines the democratic functioning of political institutions —essentially the legislative, executive and judicial branches of government. The rule of law expressed in the constitutional and legal framework is vital if human rights are to be respected and exercised.

Our methodology thus examines Salvadoran society through the events following the cease-fire and from the vantage point of the indicators described above. We also consider: (a) the country's previous history, which undoubtedly affects all that is presently taking place, and (b) future perspectives for democracy, which cannot be dissociated from previous history. We end with a series of recommendations for action in light of the basic goal of determining, with maximum objectivity, the quality of democracy in El Salvador's current political process and the prospects of strengthening it.

1. We have made partial changes in the definition proposed in the document *Human Rights and Democratic Governance* (1993), by coordinator David Gillies. This document provides the basis for the present research, and the changes have been made to bring the definition nearer to the one that we have used in Central America. The modified definition emphasizes the sense of "community" that should belong to interests organized within civil society, which, otherwise, also encompasses private mercantile interests.

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Recent History

The most general explanation for the current situation in El Salvador is that the roots of the political crisis, which grew gradually, are to be found in the effects of an incomplete and exogenous modernization project that systematically produced exclusion wherever it was attempted. This systematic exclusion of broad social sectors became increasingly incompatible, in this century, with socio-economic development and with the demands for political democracy that important social sectors in an already diversified society had begun to express.

Poverty was not the sole social condition that fuelled the rebellion, though common sense has caused this explanation to be repeated many times. Spontaneous explosions of discontent by the poor, lacking political strategy and fighting for specific issues, are short-lived. They resemble the peasant jacqueries at the end of the Middle Ages: peasant fury that exploded from time to time, causing only worse forms of control and repression. Social inequality does not explain violence, but rather its potential. In the case of El Salvador, the ideological, political and military aspects alone cannot enable us to understand the magnitude of the disobedience and popular unrest that led to the civil war.

We have to examine what kind of society was being formed in the post-World War II period, particularly since the 1960s. It was characterized by the State's dynamic role in promoting economic growth, especially with regard to the modernization and diversification of agricultural exports and to the implementation of an industrial strategy that was both concentrated and strongly oriented toward saving labour, with the stimulus provided by the MERCOMUN. Social stratification changed significantly with urbanization and broadening educational and cultural possibilities, as well as with the malignant demonstration effect introduced through urban consumerism. The city of San Salvador became an island of modernization. The existence of upper-middle strata and the bourgeoisie was also seen as very modern in the surrounding sea of misery and backwardness.

We now know that backward societies are more stable than those that have begun to experience forms of incomplete or patchwork modernization because the latter have undergone their changes on unequal footing. Change from outside breaks down traditional structures, introducing factors of mobilization and new demands in backward environments. Modernization generates a peasant proletarianization that, in the end, only produces greater poverty, though this new poverty is accompanied by rising expectations. Modernization also causes social declassing, without providing any options, thereby creating a source of instability and social and political violence.[2] Furthermore, in the case of El Salvador, there was no serious or continuing attempt to implement political modernization. Let us review this period briefly.

Democratic struggles (rule of law, parties, free elections, the right to independent association and freedom of expression, etc.) are the most expressive manifestation of the different means used to fight and overcome the kinds of political exclusion that so persistently characterized Salvadoran society. Protest against social exclusion took the form of demands for land reform, which also represented a kind of political criticism directed at the existing order of the *terratenientes* (large landowners).

For many years, probably from the time that the agro-exporting society was constituted at the end of the nineteenth century, social exclusion was an essential part of the workings and traditional culture of that type of society. Hence, it was a socially accepted and unquestionable fact, taken by those wielding power as the expression of a natural situation. It was implicit and inherent to the social relationships characteristic of a social order based on the *hacienda terrateniente*, servile labour and a culture that openly condoned social and racial discrimination. Traditional ties automatically reproduce themselves within agrarian society, like a century-old order, and they also strengthen each other mutually on the political level.

The coffee-producing sector of the bourgeoisie, which had expressly relinquished the possibility of having its own government (in order, undoubtedly, to maintain its social power intact), formed an alliance with the military, beginning in 1932. This alliance was characterized by an oligarchic style, the exclusion of the great majority of the population from the few elected positions that did exist, disrespect for majority rule, social privileges mistaken for political rights, discrimination against subordinates and, above all, a deep-rooted mixture of contempt and fear with regard to the peasantry. The 1932 peasant revolt caused one of the most extensive massacres of Latin America and reinforced both the existing social exclusion and the continuing fright on the part of the rich with respect to possible destructive outbreaks by those under their domination.

From 1932 on, social exclusion was implemented through violence, particularly that of the state, and via the legitimating force of tradition, which was supported by the backwardness of the peasants, the "invisibleness" of the masses, the conservative role of the Church and the lack of any form of organization. This ability to keep control was also based on the passiveness of a population that was terrorized, overseen and withdrawn.

One trait of the *terrateniente* elite is blindness to change. The state's political handling of opportunities for economic modernization in the years before the outbreak of violence was particularly revealing of the malign influence exercised by the *terrateniente* and business elite. The aristocratic culture of the oligarchy was exclusive and fearful of any modernization in politics or social policies. It cannot be forgotten that the Army was responsible for administering political domination in the country for approximately a half century, which began in 1932. The obsession for order, fuelled by rural power bases, was stronger than any democratic forces unleashed by modernization.

The age-old traditional order broke down in 1944-45 with the collapse of the General Hernández Martínez dictatorship. The forces that defeated him were only demanding a chance for the emerging intellectual

2. Classic authors on social change, such as S. P. Huntington, D. Lerner, L. Pye, D. Apter and W. Kornhauser, have analyzed the passage from traditional to modern societies through Asian, African and Latin American experiences, finding that incomplete reforms and truncated social or economic change generate high doses of violence. Sinesio López's extensive analysis of this phenomenon in Peru can be found in a work co-authored by him, J. Abugattas and R. Ames (1992, p. 114).

middle class to participate in politics. From that time on, social exclusion was guaranteed by means of growing political violence and an actual reign of state terror enforced wherever the population found conditions for overcoming social exclusion. Political modernization, which implies rationalization of authority, separation of powers and expansion of political participation, only recently began to take place in El Salvador.[3]

As a result of the stimulus provided by the socio-economic changes mentioned above, popular struggles for participatory experiences finally made their presence felt in the 1970s. With that, social exclusion became more visible and anachronous, and a radical threat was posed to the hierarchical structure of the society and of the political and cultural order that rested on the microcosmic coffee haciendas.

The nature of the growing crisis was thus revealed in its most intimate parts: the dynamics of a society based on the violent social exclusion of the great majority of Salvadorans, who finally came to question and illegitimatize the power of the state. All this occurred in a society whose modernization was incomplete in some dimensions and weak in others. The illegitimization of the entire political order was soon to follow, for, just as in a vicious circle, if this type of exclusion was to be maintained, it increasingly required the use of force.

Popular struggles for political democracy are an expression of century-old and elemental demands for political participation. However, politics was not the only dimension of the segregation practised. There was also exclusion from business markets and in access to education, health, housing and culture.

It is important to refer briefly to several structural components of the frequently mentioned social exclusion because it was the combined result of a serious socio-economic polarization and of mutually reinforcing authoritarian relationships of political domination-subordination. Two sets of data should suffice as a reminder of what common knowledge tells us regarding El Salvador.

With respect to socio-economic polarization, there was a high concentration of land area in the hands of a small number of *terratenientes*, whereas four-fifths of the population remained excluded from any land ownership at all. This situation began with the creation of the primary export economy. In the 1970s, 87% of landowners had less than one hectare and held 18.6% of the total land mass; while 0.1% (the large-scale landowners) controlled 26.5% of the total land mass.

Moreover, capital was concentrated and centralized within approximately 30 family groups. These families monopolized the most important productive activities, providing a unique example of a multi-functional bourgeoisie, whose coffee-*terrateniente* foundations were combined with industrial activities, investments in foreign trade and majority interests in the control of financial capital. In 1971, 36 large-scale coffee producers controlled 66% of the capital belonging to the 1,429 largest companies. In the mid-1970s, the poorer 50% of the population was receiving 16% of total income, whereas the richest 5% was taking 27% of national income. This comes to an average income of $81 for the first group and $1,442 for the second. More than isolated absolute figures, this 18-to-1 ratio is proof of the country's extreme state of socio-economic polarization. (FLACSO-IICA, 1989; Torres-Rivas, E., 1984; Dunkerley, J., 1988)

With regard to political relationships, exclusion and subordination of the country's citizens have been equally extreme and surely correspond with the polarization illustrated by the previous data. Peasant organizing had always been forbidden and punished, but, following 1932, efforts were concentrated on joint repressive operations with the *guardias blancas* (white guards), deployed by the *terratenientes*, and troops from the Salvadoran Army. With both public and private funding and resources, the *terratenientes* and the military have been supporting each other since 1932. Trade-union organization became legal in 1948, but organizers were always brutally persecuted.

3. S. P. Huntington, in the second chapter of his well-known work (1992, pp. 92 ff.), elaborates on these subjects as they regard the developed countries of the Western world. When the situation in Central America is analyzed, one finds that there has always been ambivalence concerning political change in these countries. On one hand, daily reality is that of the most obstinate tradition; on the other, there are progressive formalities for laws and programs, which are passed and proclaimed but never put into practice.

Political modernization was accepted very late and with reluctance. Since 1960, the country's political regime was shaped by: (a) control of state power through total preeminence of the Executive, under control of the Army; (b) a corporate relationship with the oligarchic bourgeoisie, which had always directed economic policy; (c) limited electoral openings on the legislative and municipal levels; but with media strongly tied to the policies of the Executive and of business; (d) social demobilization through blatant and continuing repression of the population.[4]

The Army controlled the Executive Branch, with no interference from political parties, practically until 1948. At that time, the institutionalization process required new elements to provide legitimacy, and these were to be elections and the Army's own political party. Again it is important to point out the effort by those holding authoritarian power to maintain an outward appearance of constitutional legality and a democratic facade. Why did the bourgeoisie and its dependent middle-level sectors not found a political party in the service of the military, as was the case in Guatemala and Nicaragua?

Beginning in 1932, the military began to build up its political power with a great deal of autonomy from the social forces of Salvadoran society. The Army should not be considered only as a state institution, but rather as the state itself. Therefore, the modernization of the Army had to be reflected in the terms and conditions of its political status. This explains its tendency to intervene in business markets, its not always friendly relationship with the oligarchy, its attachment to legality, etc. With the exception of the 1960-61 coup, the military respected the electoral timetable and the prohibition on reelection. The formula of a party under military control, with a cohort of civilians clearly at its service, surfaced in 1948 with the creation of the PRUD (Partido Revolucionario de Unificación Democrática) and in 1961 with the PCN (Partido de Conciliación Nacional).

The relationship between the military and political society became increasingly conflictual through the PCN. Only in 1964 were the Christian Democrats allowed to have 14 legislative representatives elected. In 1966 and 1968, this number rose to 15 and 19, respectively. In 1966, the Christian Democrats won the elections in one-third of the country's municipalities, including San Salvador. However, the PCN always maintained its control over legislative power and "won" all presidential elections, even in 1972, when the Christian Democrat José Napoleón Duarte had obviously received the most votes for the presidency.

I. The Political Crisis and Civil War

The crisis was political in nature. It was the worst in the history of the country and was not solved in time, not even during the different opportunities when it could have been overcome peacefully with certain reforms and a few concessions to popular opposition. Such opportunities existed in 1944 and, later, with the elections of 1948, 1960 — and, to an even greater extent, with those of 1972 and 1977. The *inexorable* end result was civil war. The crisis took on social dimensions, altering Salvadoran society deeply and completely. Late attempts at rectification came in the form of partial concessions, which began to appear as a result of the opportunities presented by the October 1979 military coup. However, these attempts failed, as did those made by the successive civilian-military juntas that held power from 1979 to 1981.

The term *inexorable* is used due to the nature of the political conflicts that developed over a short period of four or five years. In El Salvador's post-World War II years, the primary protesters were political parties led by middle-class intellectuals, certain urban trade unions, and university students and professors. Protests always took place on the streets of San Salvador or the university grounds, where radical methods brought on a fierce response from the police. Public demonstrations always included people from poorly

4. In his recent book (1993, pp. 16 ff.), R. Turcios presents a historical development pattern for the country, with an original explanation and special emphasis on the role of the military. He uses the concept of a **continuing history of conflict** between the group of coffee exporters and other sectors —a double hegemony that created room for the military to perform leadership functions.

identified popular sectors, the lumpen poor, the unemployed and uprooted peasants. Their destructive violence characterized and, at the very least, discredited civic protests.[5]

In the critical years following 1972, new factors defined what was described as a "fluid critical situation".[6] First of all, the social map was broken up by the appearance of a new set of multi-sector dynamics, also called multi-class fronts. This meant the presence of a multicolored assortment of actors from very diversified social origins in increasingly broad mobilizations, which, in turn, won over previously neutral groups. The strength of these mobilizations lay precisely in their capacity to bring new actors into the political struggle.

The militant participation of Catholic priests alongside the peasantry was just as significant as the massive numbers of Christian Democrats who broke away from their party. Some of them formed the ERP in 1972. At almost the same time (1972), a heterodox group parted ways with the Communist Party to found the FPL (Frente Popular de Liberación), and divisions in both these groups, the ERP and the FPL, led to the formation of the RN (Resistencia Nacional). Finally, the PRTC was founded in Costa Rica in 1979. The inter-ideological demands and struggles branched out until their dimensions reached those of a huge tree. Nevertheless, because they found no alternatives, with certain variants, they all ended up supporting a sweeping program and violent methods intended to lead them toward a takeover of state power and the construction of a new society.[7]

Secondly, not only were these organizations endowed with great social amplitude, but they also covered an abundance of subjects and, more especially, were able to achieve what Dobry calls a shift in the spaces of confrontation, meaning that the arenas where conflict is taking place change when multi-sector mobilizations occur. Such a shift can have important consequences on the actors' tactics and especially on the efficiency and value of the resources that they use. Following the 1972 electoral sham, the PCN and the Army were responsible for even worse fraudulence in 1977. In the period between these two elections, they failed in their attempt to reform landownership. In its reiterated bids to establish order and control in the face of popular discontent, the state resorted to the same violent methods that it had used in the past. However, by then neither the oligarchy nor the military were the ones setting the stage, and all this was taking place on the heels of an unsuccessful effort to make reforms!

The events that followed were typical of what theory calls a miscalculation, i.e. a disconnecting from reality, a false evaluation of strengths and a decrease in the actors' self-reference. New political forces emerged in the midst of this scenario with violent protests wherever the state appeared and in other places, as well. The way in which the Army and oligarchy handled this crisis from 1972 until 1979 had, among other effects, that of preventing a reformist political solution through which centrist politics could have been strengthened and the second Christian Democrat victory in 1997 would have been acknowledged. Instead, with such adverse factors on both sides of the barricade, civil war was inevitable.

For the purposes of our report and the analysis of the kind of democracy that may be establishing itself in a country like El Salvador, it is important to underline certain decisive moments in the way the crisis built-up and led to war. All these events — the crisis, war, negotiations and transition — are inextricably interwoven.

First, the civil war expressed the degree of social, political, ideological and cultural polarization that so deeply divided the country. Its political bitterness confirmed that class war is the worst kind because it is not restricted by laws or standards. The war was a brutal expression of the traditional means used to

5 See Valle, 1993.

6 See M. Dobry, 1988, chap. 4 and 7.

7 By the end of the 1970s, the multi-class popular forces had a powerful peasant base and at least 250,000 members. Each of the component political-military organizations was linked to a mass organization. The acronyms of these two kinds of organizations and the years they were founded are the following: PCS (1930) > UDN (1969), FPL (1972) > BPR (1975), ERP (1972) > LP-28 (1977), RN (1975) > FAPU (1974), PRTC (1979) > MLP (1979).

organize political order and continuity. The struggle against the FMLN was a war against part of El Salvador's society. The Army killed more civilians than guerrillas, and more people died as a result of political repression than in fighting. The civil war represented the failure of the old oligarchic state, its social forces and system of privileges. The war resulted from a long period of political history characterized by social exclusion through the use of force.

Between the October 15, 1979 military coup against General Romero and the FMLN's attempted general offensive in January 1981, a flood of confrontations, pacts and political-military arrangements defined the roles of the actors in the conflict. The political poles were redefined, with the Christian Democrats moving to the right and into an increasingly tight alliance with the Army. New political sectors, in alliance with the FMLN, moved to the left to form the FDR (Frente Democrático Revolucionario). Following the defeat of pro-US forces in Nicaragua only months earlier, the US Congress clearly reoriented its action by passing requests for emergency aid to the tune of $5.7 million in April 1980 and weapons and advisors in January 1981. Subsequently, the scope and nature of the multifaceted US presence in El Salvador was so decisive that it changed the course of the crisis and contributed to shaping its results.[8]

Examples of the level of violence were the ruthless sacrilege of Archbishop Romero's assassination (March 1980) and the death of over 100 people at his funeral, as well as the pathological massacre of 600 unarmed peasant civilians in Río Sumpul (May 1980). In 1980 and 1981 alone, 17,303 people were killed (Dunkerley, 1988, p. 385). The repression carried out by the military went far beyond their traditional limits, making them virtually independent of all political power, including the Executive Branch, whose top office had just been vacated by the military. It is important to note this emerging trait because in different Central American experiences the civil government appears to be neutral and therefore not responsible for the atrocities committed by the forces of repression.

In March 1980, José Napoleón Duarte prematurely agreed to form a government junta with support from the US and acceptance by the Army. This junta was to nationalize the banks and foreign trade and to begin implementation of a land reform, opportune decisions that were direct blows to the oligarchy's economic supremacy. On December 18, 1981, under pressure from the US, the government junta announced elections for a constituent assembly at a time when the civil war had already spread throughout the entire country.

Owing to its duration and virulence, the war has damaged Salvadoran society in many ways. The Army increased its total strength from 12,000 to 60,000 troops, according to official data, but technically never took the offensive. Just for the period between June 1981 and May 1988, the Ministry of Defence and Public Security officially acknowledged 23,000 casualties (dead, wounded, missing and deserters).

The exact number of FMLN casualties has never been exactly known. More than 60,000 civilians died, and there were tens of thousands of widows, orphans and war-disabled. Approximately 890,000 Salvadorans moved north to Guatemala, Mexico and the US as migrants, refugees and *indocumentados*. Some 500,000 more were displaced within El Salvador. Material damage to the country's infrastructure has never been fully quantified. The war upset cultural development and paralysed the educational training of an entire generation of young people. It sowed the seeds of social resentment and created a culture ruled by fear of the state's systematic abuse of human rights. Given the prevailing public violence, domestic violence had also to be borne in silence, there being a fear of protesting and demanding what is right. The disorder fuelled generalized corruption and a feeling of dependency on outside help resulting from the fact that everyone receives (and depends on) outside resources. The state, the FMLN, the business sector and hundreds of NGOs are all part and parcel of this situation.

8. From 1980 to 1989, what was labelled as US "economic" aid amounted to 2.6944 billion dollars. The corresponding military aid figure was 938 million dollars, which accounts for a total of 3.6324 billion dollars. In addition, there were other forms of direct military aid not accounted for in these figures. (Dunkerley, 1994, p. 145)

When Does Transition to Democracy Begin?

It is necessary to examine the conditions that led to the end of the war and made political democracy possible in El Salvador. Several subjects are intricately interconnected, and it seems obvious to all concerned that the issue of peace is not unrelated to that of democracy and that the attempt to build a democratic society can only be made on the basis of the Peace Accords.

Peace and democracy go hand in hand and cannot be achieved without a spirit of national reconciliation, which was what led to the negotiations and accords between rival forces. This spirit, also necessary for democratic development, must be translated into permanent and far-reaching participation by all the citizens of El Salvador. This means *putting an end to social exclusion*. It also means respect for the human rights of all people as both a condition and a result.

Nothing similar to what is occurring in El Salvador ever happened elsewhere. Latin American theorists, who usually ignore Central American experiences, have confirmed the notion that no theory of transition to democracy is available for the case of El Salvador.

In its broad sense, transition paradoxically began with the war simply because the latter sparked the decomposition of the authoritarian system, whose political regime unravelled throughout the 1980s. This can be explained in the following way:

Firstly, some analysts consider that "transition" began in October 1979, when colonels Majano and Gutiérrez and others overthrew General Romero, because their coup put an end to a half century of military governments, thereby facilitating the necessary takeover by civilians. The fact that the system itself had entered a crisis undoubtedly explains why — via the presence of the

Christian Democrats and, particularly, José Napoleón Duarte (March 1980 and April 1982) — policy reforms were first applied to the country's traditional economic structure. These reforms were just as important as the land reform and the program of nationalizations.

The second important landmark in this top-down transition was the first open election for a constituent assembly (March 1982). This election gave free rein to suffrage and competition among parties, providing results that had not been predetermined. This was demonstrated with the 1984 presidential election, won by the Christian Democrats, who had been the major opposition to the military and the oligarchy throughout this period. The fact that Duarte finally reached the presidency must be considered as a decisive event within the framework of the democratizing mechanisms that had been implemented, though it occurred in the midst of violence and war.

These elements constitute a non-conjunctural aspect in the liberalization[9] of the authoritarian structure. We arrived at this description because conjunctural events are those that do not crystallize into institutions capable of unifying social space in a lasting way. This is based on the assumption that electoral activities and mobilization represent a solid contribution to democratic institutions.

A third element in this process was the appearance of political parties, some of which were still going through a consolidation stage. ARENA (Alianza Republicana Nacionalista), founded in late 1981, stood out because of its rapid structural and electoral successes. Its consecutive victories in March of 1988 and 1989 consolidated its position in the government and began to define what might be El Salvador's new political society, once peace was attained. This party should be considered as a modern representation of big investment capital, now under the personal leadership of entrepreneur politicians. In this case, we see a break with a half century of intermediary politics. ARENA is not the continuation of the PCN or the electoral facade of the Army, which is still active, and, furthermore, it legitimately unseated its strongest rivals, the Christian Democrats. As a result of the Esquipulas Agreements, some of the former FDR forces, now called Convergencia Democrática, have joined the electoral struggle under formally equal conditions.

Fourthly, toward the end of the 1980s, in the middle of an all-out war, just like everything else described above, long-repressed social groups began to stir on the public (and thus legal) scene. These were groups composed of people such as labourers, white-collar workers, women, artists, members of peasant cooperatives, etc. In some cases, organizing these sectors meant recomposing groups that had been unrelentingly repressed and destroyed. Another important factor in favour of democratization was some elements of the Catholic Church, less conservative, which cooperated in the creation of the CPDN (Comité Permanente por el Debate Nacional). The CPDN has facilitated one of the new customs of the emerging political culture of El Salvador: dialogue. Another seemingly contradictory element during the last stage of the war was the reactivation of part of civil society, as defined in the framework of this paper.

The positive elements briefly summarized above have been decisive in the emergence of a democratic regime. However, it is difficult to continue using the term "transition to democracy" if we consider the following negative elements, which make it impossible to know where transition may really lead. Something positive is occurring, but its erratic and contradictory direction, caused by the war years, allows for no predictability.

In no past experience has a democratizing direction, in which institutional and popular development should advance, been compatible with a ruthlessly fratricidal war in which the human rights of non-combatants are violated. It would be unacceptable to forget the deaths of thousands of defenceless Salvadorans, though the merits of the electoral process should be recognized. Therefore, we will quickly recount certain negative elements that have reinforced the country's authoritarian record.

9. The processes described in the theory of transition from bureaucratic-authoritarian structures refer to a first step — the liberalization of an authoritarian regime — which is followed by an opening-up period and, later, by actual democratization. In the case of El Salvador, it is difficult to use the model developed by G. O'Donnell and Ph. C. Schmitter (1986, pp. 34 ff.).

First of all, militarization of Salvadoran society began to grow in 1980 with an increase in the quality, number and presence of troops. In a period of four years, their number rose from 14,500 to 60,000, according to official data. As will be mentioned later in this paper, this military intensification was the major obstacle to the creation of a democratic atmosphere, culture and institutionalism. The civil war only provided a final legitimization for the savage violence perpetrated for a half century against civilian forces who, in the name of anticommunism, were defined as enemies. The war reinstitutionalized the Army, affording it total autonomy within the state and in relation with society, as, for example, in its relationship with the Executive Branch.

Secondly, military obedience to civilian power is, by nature, difficult during times of war, but it becomes less necessary in a context of right-wing electoral victories. The Army's operational autonomy, which is strengthened when the troops return to their barracks, not only fails to avoid military interference in numerous aspects of civilian life, but indeed worsens it under the pretext of war. Weakened by repression and the war, civil society loses even more autonomy. The logic of war runs counter to the logic required for political democracy.

The government, a circumstantial phenomenon in the state, seemed indifferent in the face of human rights violations. The Christian Democrat government did not appear to be responsible for the Army's criminal activities. Nevertheless, there was a neutral complicity on the part of the legally elected civil government, which tolerated the military's discrediting violence. Such conditions weaken the democratizing strength of electoral processes. As the case of El Salvador has shown, wartime elections do not reconstitute autonomous public space for politics.[10]

Thirdly, the phenomena related to democratic participation arrived suddenly in the 1980s, and they were limited by the fact that the registered voting population represented only one-third of those entitled to vote. Moreover, the figure of 80% of registered voters who cast a ballot was not an indication of democratization in the social dimension. Voting was a duty. The FMLN's encouragement to abstain involved danger, if followed. Since 1982, elections have served to move a broad sector of undecided public opinion to the right of the political spectrum in search of security and peace. ARENA is not the party of the war, but well-known military leaders and entrepreneurs linked to the death squads contributed to its founding. They combined with other business people and middle-level sectors to create a project for a new country under their control. Political democracy may be an opportunity to continue this control through modernization. Electoral resources facilitate this opportunity, and the modernization of a new country is facilitated with democracy. Therefore, democracy is a functional means of ensuring ARENA's control.

Fourthly, what, for the sake of simplicity, we will call the institutions of the old regime have been maintained: the Police, National Guard and Treasury Police (*Policía de Hacienda*). These, as well as communications and other institutions, have all been kept under military control. The Judicial Branch was appointed by the Legislative Assembly controlled by ARENA. Consequently, it guarantees no functional, moral or legal independence. The most-important effect of all this is the impunity that exists in the face of the atrocities committed against the civilian population. All these factors restrict the Rule of Law as established by the 1982 Constitution.

Finally, the most important stage of this paradoxical process began with the signing of the Chapultepec Accords. This was the initiation of transition, as it should be understood. It meant the beginning of institutionalization, with the establishment of standards accepted by all concerned with the project for a new society. Understood in this manner, institutionalization, such as it has occurred in other Latin American scenarios, means the emergence of a power in the process of consolidation and, at the same time, the creation of a public space where there is room for both old and new political parties, where social organiza-

10. Another subject, beyond the scope of the present document, is that of the Salvadoran Army's strategic needs (military victory), which corresponded with the interests of US foreign policy until approximately 1988, when they finally started to move apart.

tions from the previous and new period coexist, where opposed interests become compatible and, as a summary of this complete process, where new conditions for democratic development appear.[11] In a country characterized by the domination of the majority by a handful of people and where the oligarchy has shown itself to be inflexible and incapable of negotiating across sectors, the accords represent a qualitative step toward new forms of social relations.

11 See O'Donnell, Schmitter and Whitehead (1986), and Karl (1992).

EL SALVADOR IN 1993 — *Ups and Downs with a Democracy under Construction*

I. INTRODUCTION

The January 1992 signing of the Chapultepec Accords ended more than ten years of civil war and launched a period of multifaceted transition toward the normalization of life in El Salvador. By that time, 80,000 people had died, 500,000 had been displaced and over one million had been forced to emigrate. The estimate for material destruction was over $1 billion, and the initial estimate for rebuilding only the most urgent elements of the physical infrastructure amounted to $630 million. (Ministerio de Planificación, 1992, and *Cuadernos del IEJES*, no. 7, 1993)

The Peace Accords represent the crowning point of a negotiation process that progressed through the signing of separate documents; among the recent ones, the most important are:

- Geneva Accord (April 4, 1990), on the method of the negotiations;
- Caracas Agenda (May 21, 1990), on the agenda and timetable;
- San José Agreement (July 26, 1990), guarantees concerning respect for human rights;
- Mexico Accords (April 27, 1991), constitutional reforms and establishment of the Truth Commission;
- New York Accord (September 25, 1991), process is reprogrammed and the Comisión Nacional para la Consolidación de la Paz (COPAZ) is set up;
- New York Act (December 31, 1991), where acceptance of the global accords is indicated;
- Peace Accords signed in Chapultepec, Mexico, where remaining issues are settled and a cease-fire is established (January 16, 1992).

Observance of the cease-fire and the subsequent signing of the Peace Accords represent an example for similar war situations in the world. María Julia Hernández,[12] Director of the Oficina de Tutela Legal del Arzobispado observed that: "The cease-fire, demilitarization and the FMLN's integration have gone so well that people are amazed ... The cease-fire has produced an excellent image for the international community, but unfortunately things have not gone much further than that ..." The UN Secretary-General agreed: "At a time when all other continents are suffering savage conflict and massive violation of human rights, the reconciliation and acceptance of pluralism in El Salvador is a remarkable example to the world." (UN, May 21, 1993, S/26033, p. 28)

II. The Peace Accords

January 16, 1992 will be remembered in Central America and particularly in El Salvador as a historical landmark. Signed under the mandate and supervision of the UN, the Accords are compulsory for both the government and the FMLN. Their significance lies in the fact that they contain a project for a new society, a new founding of the Salvadoran nation.

Though different aspects of the Accords may not be carried out according to schedule, though certain commitments may not be fully respected, or though, in some cases, respect for such commitments may be obviously reluctant on the part of political or military forces, this country has undergone a decisive change.

The following pages contain a very brief appraisal of the degree of compliance with the Accords. This assessment is presented from the vantage point of democratic development based on respect for human rights and popular participation.

1. The Armed Forces and Public Security

The Peace Accords and the 1992 Constitutional Reform laid the foundations for the redefinition of the functions of the Armed Forces, restricting their mission to that of defending territorial limits, making them dependent on civilian power and specifically excluding them from political decisions affecting the state. From the perspective of their institutional definition, the Armed Forces are an institution that are part of the Executive Branch and are subordinate to the authority of the President of the Republic; they are professional, apolitical and non-deliberative.

Specific human rights commitments established in the Peace Accords are the following:

- Redefinition of the Armed Forces doctrine within the principles arising from the rule of law, the primacy of the dignity of human beings and respect for their rights;
- Review of the Armed Forces' educational system as a basis for a new type of training that emphasizes the preeminence of human dignity, democratic values and respect for human rights;
- Reform of intelligence services, whose functions will include the concepts of the common good and respect for human rights. (pp. 53-54)

In consideration of the record of reiterated human rights violations by the Armed Forces and paramilitary groups dependent on the former, two essential points were established for this renewal process: the purging and reducing of the Armed Forces.

With regard to purging, differences and difficulties in compliance with the commitments emerged from the beginning in the Armed Forces, which have resisted said compliance by all possible means and failed to observe the deadline of January 1, 1993. This issue was still unresolved on March 15, 1993, when the Truth

12 Interview. September 1993.

Commission presented its report. The Armed Forces and different government sectors rejected the document and violently criticized ONUSAL. Furthermore, just one week later, a simple majority in the Legislative Assembly passed a general amnesty in favour of the members of the military implicated in the report's findings.

The reluctance to proceed with the purge was accompanied by measures such as transferring Defence Minister, Colonel René Emilio Ponce, to the management of ANTEL; making National Police Director, Colonel Ciro López Roque, a foreign military attaché; moving Deputy Defence Minister, General Orlando Zepeda, to the presidency of the Instituto de Previsión Social de la Fuerza Armada; etc. (IEJES, cuaderno no. 7, p. 150).

The purging is a first break from what the former Armed Forces were and a taste of things to be expected in the future if human rights are not respected. "Nothing is negotiable regarding the purging," says a UCA document, "and we condemn the statement by two FMLN leaders who are willing to accept the limitations proposed by President Cristiani" in exchange for highly profitable land and other concessions that would promote reinsertion into civilian life.

As for reducing troops, the Armed Forces have complied with their commitment and have even stepped up the timetable and numbers, with a decrease of 54.4%, including the demobilization of 3 public security corps, 5 rapid-deployment battalions, 22 infantry battalions, the National Intelligence Department, the Territorial Service and the Paramilitary Units. According to the Ministry of Defence, the total strength of the Armed Forces decreased from 61,900 in January 1992 to 31,451 in February 1993. (H. Corado, 1993, p.7)

The reduction mentioned above still leaves the Armed Forces with twice the personnel that it had before the war. According to official data, their number in 1979 was 16,000, of which 4,000 belonged to public security corps and only 12,000 were in the Army. Another aspect of this matter is that 15% of the soldiers were "ghosts" who appeared on official payrolls. (Lawrence, 1991, as quoted by Sollis, 1993)

It is important to emphasize that, while the number of military personnel dropped, the budget did not decrease accordingly. Instead, it declined by only 6.5% from its 1992 level.

For many years, the Armed Forces have controlled their own budget, with no need to provide detailed information on spending or to undergo external auditing by the Corte de Cuentas (General Supplies and Services), for example. Military expenses, including those related to reconstruction, have been —and continue to be — exempt from any control or auditing by other authorities.

The 1993 Ministry of Defence budget is approximately $104 million, which is higher than the budget for the Ministry of Health. Considering that the military also administers additional funds, their total budget control amounts to roughly $132 million, or 15% of the country's total budget. This is more than the nation spends on education.

Following the war, the Armed Forces have argued intensely that they are indispensable. The Defence Minister, Colonel Humberto Corado Figueroa, maintains that the Army is an instrument that every state needs, because war is inherent to the human race. He defines the Armed Forces as "an instrument of the state that serves to defend it and that promotes development, while helping to achieve the goal of welfare for the population". (Corado, 1993, p. 9) He states, "We are the nation's shield, not its sword".[13]

The Legislative Assembly passed the compulsory military service law, promoted by the Army, despite objections from opposition parties and COPAZ. This allows for 50 registration offices to be opened.

In spite of the circulation of new Armed Forces guidelines, in accordance with their constitutional mission, their plans to spread to other spheres have been maintained: for example, they plan to become promoters of development and welfare for the population. In this vein, one of the most extended means of preserving the relevancy of the Armed Forces is to be found in national "civic action" projects. Such activities were part of the war process, and the Truth Commission pointed out that the section responsible for

13 Conference on Demobilization, Demilitarization and Democratization in Central America. San José. August 1993.

these activities had the objective of obtaining information (from the enemy) in order to carry out plans for physical elimination.

In this context, the continuation of "civic action" plans is a serious source of concern. These plans have received guarantees from the US, and the Armed Forces have been granted sums of money for "reconstruction" via the "Fuertes Caminos" (Strong Roads) project, which will supposedly concentrate on building infrastructure in former war zones.

This form of endorsing the Army's existence has been reinforced through the media, which, in late 1982, presented advertising paid for by COPREFA (Armed Forces Press and Public Relations Committee). The publicity showed soldiers participating in literacy campaigns. In the same time period, high-ranking members of the Armed Forces (colonels Jaime Guzmán Morales and Humberto Gómez) made various statements to the effect that the Armed Forces were prepared to step up their assistance to the civilian population by building roads, bridges and storage depots; reforesting; and carrying out social projects and different types of infrastructural work.

According to Sollis (1993, p. 42), there is evidence suggesting that this form of civic action does not contribute to reconstruction activities or to the democratization process. Instead, not only are these projects decided upon unilaterally and imposed "from above" without coordination with other governmental reconstruction agencies, but, in addition, they invariably restrict participation on the part of organizations representing civil society.

The Armed Forces have used a number of strategies to try to maintain their position in the power structure, arguing that their reason for being part of the state apparatus is unquestionable.

2. The Truth Commission

The Truth Commission had as coordinators international figures Belisario Betancur, Reinaldo Figueredo Planchart and Thomas Buergenthal. Its work lasted for several months, and, during this period, it received more than 22,000 complaints regarding acts of violence that had taken place between January 1980 and July 1991. Of these, 60% were references to extrajudicial killings, while the rest dealt basically with forced disappearances and cases of torture. Some 30 cases are classified in the category of grave acts: violent acts perpetrated by agents of the state; killings of peasants by the Armed Forces, murders by death squads, acts of violence committed by the FMLN and the killing of judges.

Agents of the state and their collaborators based their violent acts on the political conception that any opponent or any person associated with opponents deserved to be eliminated. The extermination of villages near FMLN zones reflected the belief that "depriving the fish of water" will kill the fish. Indiscriminate violence against civilians occurred mostly in the countryside: 95% of the complaints concerned rural incidents. Among the incidents where the greatest number of civilians (men, women and children) were killed are[14]:

+ **Río Sumpul**

  Date: May 14, 1980

  Victims: approximately 300 people fleeing to Honduras.

  Perpetrators: National Guard and the paramilitary organization called Organización Democrática Nacionalista (ORDEN), with the help of the Honduran Armed Forces

14 Comisión de la Verdad (Truth Commission) (1993), "De la locura a la esperanza", Informe de la Comisión de la Verdad para El Salvador, San Salvador and New York: Published by El Debate Nacional por la Paz en El Salvador.

+ **El Mozote**
  Date: December 10, 1981
  Victims identified: 200
  Of the 117 remains examined, 85% belonged to children under the age of 12.
  Perpetrators: Atlacatl Battalion

+ **El Calabozo**
  Date: August 22, 1982
  Victims: approximately 200 people fleeing the war zone
  Perpetrators: Atlacatl Battalion
  Complaints against the FMLN reflect violence directed at specific targets: members of the military, traitors, informers and political opponents.

Despite government pressure to the contrary, the members of the Commission decided to include the names of the major offenders in their report. They also recommended that those people be removed from government positions and banned from public office for ten years. With regard to the Armed Forces, the names of 40 military officers were recommended for dismissal, including the Defence Minister, René Emilio Ponce; the Deputy Defence Minister, General Orlando Zepeda; the Head of the Joint Chiefs of Staff, General Gilberto Rubio; the former Air Force Commander, General Juan Rafael Bustillo; the former Deputy Minister of Public Security, Colonel Inocente Montano; Colonel Francisco Elena Fuentes; and the former Commander of the Atlacatl Battalion, Colonel Oscar Alberto León Linares.

Concerning responsibility on the part of the FMLN, the report indicates that over 800 complaints of violent acts were received, including nearly 400 killings and more than 300 disappearances. Ten-year disqualifications from public office were requested for comandantes Joaquín Villalobos, Ana Guadalupe Martínez and Jorge Meléndez.

Regarding the death squads, the Commission made a historical analysis of relations between terratenientes, government, Armed Forces and "paramilitary" forces. These groups coordinated their activities:

> *to hide the state's responsibility for such acts, thereby creating a climate of total impunity for the murderers working in the death squads. This mentality and the existence of impunity represent a danger for Salvadoran society ... Since they operated underground, it is not easy to uncover all the links between private businesspeople and the squads. However, the Truth Commission has not the slightest doubt about the existence of close ties and the danger they represent for the future of Salvadoran society if ever businesspeople or members of wealthy families felt the need to finance paramilitary groups of murderers and thought they could do so with impunity, as in the past.*
>
> Report by the Truth Commission, 1993, pp. 113 and 115

The serious charges made by the Truth Commission did not result in a severe attitude taken regarding the guilty parties; rather, the government's uneasiness increased when the state was accused of human rights violations and it dismissed both the Truth Commission and ONUSAL by approving a general amnesty less than a week after the report appeared.

María Julia Hernández,[15] Director of the Oficina de Tutela Legal del Arzobispado, pointed out that: "The Truth Commission has provided enough information to question society to the core, but there's no political will to continue implementing [the Accords]; and not only that, but an amnesty was granted."

The Commission's report is of extraordinary moral and political value. Regardless of the amnesty adopted while the report was released, and its rejection by many of those accused, the report constitutes a basis on which to build practices leading to democracy and respect for human rights.

15 Interview, September 1993.

3. The National Public Security Academy and the National Civil Police

The process of organizing the National Civil Police has undergone various setbacks in its plan and timetable. This has been interpreted as unwillingness to turn over military power. It has been pointed out that "the police ... were one of the elements that guaranteed military impunity in our country. Therefore, they are a highly valuable instrument in our new situation." (Alvarenga, 1992, p. 7)

The coordinator of the National Civil Police has performed his job without remuneration, staff or other resources. His request for technical assistance to prepare a budget was refused, in reality, because he had "dared" to ask for an inventory of goods allocated to the Deputy Ministry of Public Security. At said Deputy Ministry, relocating barracks was considered to be more important than equipping the National Civil Police with adequate facilities. In the meantime, the Military School (in time of peace and demobilization) was moved to a site ten times larger than its previous piece of land. (*Ibid*, p. 9)

The National Public Security Academy was given the responsibility of training the new National Civil Police. A maximum of 20% of National Police active members and 20% of former FMLN combatants were to be admitted. Its activities began on September 1, 1992, but there were delays in graduations and the transfer of members from institutions that were to be gradually eliminated. Despite objections from ONUSAL, the Academic Council accepted ten candidates from the National Police after they had been transferred from the National Guard and Treasury Police, placing them at upper-echelon and executive levels. Other gross irregularities were also committed.

ONUSAL has repeatedly requested the list of members in order to check entry into the National Civil Police by anyone involved in human rights violations. The fact that the list has been withheld is evidence that some members are being shielded.

According to the original plan, by September 1994 the National Civil Police should be operating throughout El Salvador, and the entire National Police force should be eliminated. However, in April 1992, National Civil Police coordinator Ernesto Arbizú[16] estimated that three years would be needed to carry out that plan, an estimate that seems more realistic. The current general director of the National Civil Police is also the commander of the Auxiliary Transitory Police, and both forces are under ONUSAL's supervision.

4. Disarming the FMLN's Military Structure

The FMLN had begun to destroy its arms, under ONUSAL supervision, but, in early 1993, it subjected continuation of this process to government compliance with the Accords. An agreement to continue disarming was reached on February 4, but on May 23 an FPL arms cache located in the Santa Rosa neighbourhood of Managua, Nicaragua, was made public. The UN Security Council and Secretary-General described the incident as "the most-serious violation of the Peace Accords" and demanded that the FMLN properly perform its obligation to provide ONUSAL with a complete inventory of its weapons and ammunition, both inside and outside El Salvador.

In mid-August of 1993, ONUSAL reported that the two phases had been completed and that it had received and destroyed 9,851 individual weapons, 379 collective weapons, 74 missiles, 4,032,606 cartridge holders, 9,228 grenades and 5,107 kilos of explosives. On August 16, the FMLN's Political Commission asserted that it had "concluded handing over and destroying its arms ... Considering that this chapter of compliance with the Accords has ended ..." (*Informativo Semanal PROCESO*, 1993, p. 16)

The government has complied in part with the agreement to provide the FMLN with radio and television frequencies. Though it has allotted four FM and AM frequencies, none have yet been assigned for shortwave radio or television.

16 See Alvarenga et al., 1992.

An FMLN National Committee, represented by its coordinator, Mr. Schafik Handal, was appointed for the purpose of transforming the FMLN's military structure into that of a political party. Each of the organizations that belonged to the Front has recovered and redefined its political and ideological identity. All these organizations actively took part in the electoral campaign and established alliances or moved closer to already existing political parties. In the face of the electoral process, the different organizations decided to continue cooperating until March 1994, at which time each was free to identify its own role in the Salvadoran democracy. Immediately after the elections, internal differences came to light in a reflection of the difficulty inherent in changing the mode of participation.

5. Recovering Military Weapons from Private Individuals

According to the ONUSAL report, by the end of May 1993 only 40% of the weapons on the list provided by the Armed Forces had been recovered. However, it is impossible to verify whether that list includes all weapons distributed throughout the war years. ONUSAL verified the inventory presented by the Armed Forces. It ended on August 8, 1993, and included 1,441 weapons, 892 of which are under the control of the Armed Forces but have not been recovered. There has been insistence on the need to issue a drastic recommendation concerning the registration, ownership and carrying of weapons by authorities in order to guarantee greater security for the population and, in all probability, decrease rising crime rates. (*Informativo Semanal PROCESO*, *op. cit.*, p. 13)

ONUSAL's Military Division is coordinating the clearing of mine fields in the framework of a clean-up plan financed by the European Union and UNIFEM. Civilians, particularly children, have been the victims of many recent mine-related accidents.

There is awareness on the part of both international organizations and private concerns regarding certain insurmountable difficulties in establishing the truth about this matter. An inevitable result of the 12-year war is that possession of weapons is absolutely uncontrollable. There is also awareness that residual quantities of weapons from the war are in the possession of individuals or groups of criminals, who should not be dealt with on a political or military basis, but rather via the law and the police.

6. Restructuring Public Administration in Former War Zones

As a result of different agreements implemented by the government with aid from international organizations and NGOs, most judges and mayors have returned to the former war zones.

One especially important development is the renewal of the old custom of *cabildos abiertos* (public town meetings), which collect community initiatives and present them for consideration as reconstruction projects. This opening toward decentralization and the integration of civil society in defence of its own special interests has led to the creation of approximately 400 projects. Nevertheless, the communities do not participate in the process of monitoring and evaluating such projects. Other negative points are the National Reconstruction Secretariat's inability to finance these projects — its funds have covered only a small proportion of total costs — and the mayors' influence in having the projects approved.

7. The Judicial System

The Judicial Branch was severely questioned by the Truth Commission, which requested the resignation of all members of the Supreme Court and specifically mentioned its Chief Justice for his role in obstructing legal investigations.

The Commission indicated that the judicial system should undergo a complete modernization and made various recommendations designed to correct human rights abuses, including:

- Implementing a true division of power among the Executive, Legislature and Judiciary so as to depoliticize the Supreme Court;

- Reducing the power held by the top echelon of the Supreme Court and reducing centralization in the Judicial Branch;
- Granting full autonomy to the National Council of the Judiciary so that it may supervise the operations of the judicial system, particularly the professional capacity of all active judges, and may appoint or remove judges, which means withdrawing this power from the members of the Supreme Court.

The Commission also recommends the prohibition of extrajudicial confessions and the strengthening of rights to a defence, to habeas corpus and to a presumption of innocence.

There has not been compliance with the majority of these recommendations.

The Commission recognizes that the current judicial system is not capable of objective judgments or the implementation of pertinent sanctions in the case of human rights violations, since "the judicial structure is still substantially the same as when the events described occurred". Although "sanctioning those responsible for the crimes described is a moral necessity, the administration of justice does not meet the minimum requirements of objectivity and impartiality so that justice is meted out in a reliable manner". (Truth Commission, report, 1993, p. 148)

The Chief Justice and other members of the Supreme Court rejected the Commission's report, stating that it was unconstitutional and accusing the UN of interfering in the country's domestic affairs. (Burgos, 1993, p. 11) Subsequently, at the opening of the San Pedro Masahuat Judicial Centre, Dr. Gutiérrez Castro emphatically declared that the creation of the Truth Commission "was not an error, but an act of stupidity." (*Diario Latino*, April 13, 1993; p. 4)

Institution of the National Council of the Judiciary signified an improvement in the selection process of judges and in their independence, but it did not meet the Peace Accords requirements regarding the mechanisms to select and evaluate judges, many of whom, according to ONUSAL observers, are very negligent about fulfilling their duties.

Its top echelons make the Judicial Branch appear most reluctant to submit to restructuring. The procedures used by authoritarian governments allowed for judges to be appointed on the basis of highly political criteria. Therefore, the gap between law and justice continued to grow. In this context, the judicial process becomes a means of self-justification; a vicious circle in which crimes and human rights violations, go "legally" unpunished, as with the case of the massacre in El Mozote. This resistance on the part of the Supreme Court is a clear example of the persistence of antidemocratic structures within the state.

8. The Office of the Human Rights Ombudsman

The Office of the Human Rights Ombudsman began its operations in late 1992, six months behind schedule. It had problems with funding, which only amounted to 0.14% of the total budget. Only when the Ombudsman obtained international funding was the office able to start these operations.

The creation of the Office of the Human Rights Ombudsman as a government body is one of the most important points in the Peace Accords. Assistant Ombudsman for the Defence of Human Rights, Agustín García Calderón, recommended a number of measures to promote human rights in El Salvador:

- Create channels of integration and coordination between all administrative authorities to guarantee implementation of the law and propitiate security for citizens.
- Examine and revise criminal legislation.
- Guarantee accountability of high-ranking officials, give priority to and make public crimes involving kidnapping, extortion, drug and arms trafficking, and any omissions of duties in the investigation.
- Devise plans of assistance and protection for victims and compensation for judicial errors and abuse of authority.

The fourth report indicates that the Ombudsman's office has concentrated its efforts on investigating acts of violence in the political sphere; improving the due process of law and administrative procedures; obtaining an efficient record of human rights violations; investigating the situation of persons in detention;

fostering the security of citizens and special social groups; and increasing the promotion of human rights, and education and training on the subject. With these purposes in mind, regional offices have been opened to cover the whole country.

The number of complaints published in the 1992-1993 annual report by the Ombudsman's office is 2177.

ONUSAL and other international organizations such as the Canadian cooperation, related to the Canadian International Development Agency, and the European Union are supporting the Ombudsman's office to improve its research capability and help establish the regional offices. They are satisfied with the autonomy of the office and its exemplary commitment to the rationality and direction of the Peace Accords, and to the consolidation of democracy.

However, the NGOs have repeatedly expressed concern over the running of the Ombudsman's office and criticize its having distanced itself from NGOs that have championed the struggle for human rights. ONUSAL has stressed the office's independent work, but from the vantage point of civil society, the office is a government body marked by bureaucratic inefficiency and cautious non-confrontational language; its aim has been to seek the approval of the Ministry of Justice, ONUSAL and the international community. As a public office, it is accused of lack of sensitivity, indifference and a dearth of innovative techniques to analyze and follow cases.

The criticism does not mean the office has been rejected. The NGOs firmly maintain that the Ombudsman's office is a major step forward in the defence of human rights and represents progress toward democratic development.[17] However, to function properly, it must have, first of all, an adequate budget approved as a permanent point in the national budget. Other proposals refer to the need for closer contact with communities and NGOs, allowing for close communication with human rights NGOs, which are willing to coordinate efforts and act jointly as well as help evaluate the results.

Eradication of the fear of expression is one of the Ombudsman office's main goals, which is why it must show in the way it is run that it is open to criticism and to communication with civil society. It must gradually broaden its scope so as to cover different aspects of human rights, including those of welfare, which have been put aside.

Validating the Ombudsman's office also requires the support of the international community so that, together with internal sources of pressure, they compel state bodies to comply with their recommendations.

9. The National Commission for the Consolidation of Peace (COPAZ)

The National Commission for the Consolidation of Peace (COPAZ), agreed upon in New York in September 1991, is the highest level of authority for consultation and coordination among political forces. It was created to supervise the accords reached through the negotiations, and it is composed of representatives from the government, FMLN and all political parties present in the Legislative Assembly.

Direct negotiations between the government and the FMLN have somewhat weakened the profile of COPAZ, but its work has nevertheless been important in establishing peace, respect for human rights and social development through its different secretariats: Special Agrarian Commission, Human Rights, Elections, Freedom of Expression and National Civil Police. Despite the existence of procedures intended to guarantee equitable representation, only 3 of the 66 members of COPAZ are women. (Mujeres por la Dignidad y la Vida, June 1993, p.37)

COPAZ has been fundamental to compliance with the Peace Accords, though it has lacked the resources required to carry out its mission as quickly as necessary.

17 See CODEHUCA, 1994, "La Fuerza de la Esperanza" (The Force of Hope). Report on the Offices of the Human Rights Ombudsman in Guatemala, El Salvador and Honduras.

10. The Electoral Process

A. The Postwar Electoral Process

In the past ten years, elections in El Salvador were always a complement to war. Initially, they were part of a counter-insurgent strategy (1982, 1984, 1988) and later (1991, 1994) they became a key piece in building a political order in the pacification process. The search for peace and democracy has as a basic requisite, a free and open electoral process to choose the political group that will ensure that end: a more civilized political order.

The electoral processes preceded the Peace Accords, but the multiple elections of 1994 were called in the spirit of the Accords. Journalists hailed them as the elections of the century. The general elections held on March 20, 1994 produced a number of "firsts": a) they were called by a civilian, democratically elected government; b) after the civil war was over; c) all existing forces on the local political spectrum took part; and d) without a doubt the most important: the integration of the FMLN guerrilla forces, up until then outside the political order, who by becoming a political party accepted the rules of the established order.

Within the context of this study, the election was an important experience in developing democracy in El Salvador. All political forces in the country took part freely. Elections occurred in a historical setting still characterized by violence, (selected) offences against human rights, the prevalence of terror and memories of the war in many rural areas. The tone of the political campaign just before the election date perversely echoed the previous period as an attempt was made to earn votes by rekindling feuds and drawing on the ideological and emotional polarization that marked that period.

Ten political parties, covering the entire ideological spectrum, participated. Convergencia Democrática, composed of three parties (Movimiento Popular Social Cristiano, Unión Democrática Nacionalista and Partido Socialdemócrata), became a political party, leaving behind its previous status of an alliance. The FMLN agreed to form an electoral alliance in support of Convergencia Democrática's presidential candidate. The candidates and political tendencies were as follows:

PARTY	POLITICAL IDEOLOGY	CANDIDATE
ARENA	Right and extreme right	Armando Calderón Sol
Convergencia	Centre-left	Rubén Zamora
FMLN	Left and centre-left	Rubén Zamora
MNR	Centre-left	Rubén Zamora
Dem. Cristiana	Centre	Fidel Chávez Mena
PCN	Right	Roberto Escobar G.M.
Mov. Auténtico Cristiano	Centre	Rhina V. Escalante
Mov. de Solidaridad Nac.	Centre	Edgardo Rodríguez
Mov. de Unidad	Centre	Jorge Martínez

Participation by left-wing political forces, who were outside the electoral process in the past, substantially changed in the traditional race between centre-right forces, which shared the support, open or otherwise, of ARENA and the Christian Democrats. Apprehension toward the FMLN, which appeared as a counterpart to war, was simply transferred to the political domain. ARENA, however, came across as the party of peace and negotiation. The left, which was always excluded from the electoral race and boycotted it until 1988, had to make a major effort to adapt, and there was not enough time to do so.

Before discussing the election further, we must point out that with the government now in the hands of Armando Calderón Sol, a new period in the country's history has begun. This is a new transition, more

qualified and demanding, to consolidate peace and political democracy. This is an exceptional historical test for a right-wing, conservative government, led by and representative of the business sector: to steer the processes of pacification and, at the same time, democratization of society to their safe conclusion.

B. Human Rights in the Pre-electoral Climate

For this to happen, the new government has to ensure respect for human rights, free participation by civil society. It has to make an effort to increase the welfare of the poor, promote respect for women's rights and consolidate political institutions so that they can make up a state of rule. In the context of our democratic indicators, the most important developments regarding respect for human rights in the run-up to the elections were:

- The re-emergence of the death squads, which in many cases made public threats followed by attacks, kidnapping and murders. The UEI (Unidad Especial de Investigaciones), which operates with US resources, was accused of criminal negligence.
- The number of political assassinations between mid-1992 and 1993 fluctuated from 15 to 36 FMLN members, approximately 5 members of ARENA and 50 or 60 members of the Armed Forces, although it is not clear in all cases that the motive was political.[18]
- The electoral campaign began in a climate of political violence. However, politics were now being addressed as if the society were actually democratic. This produced some positive effects, and others that are questionable. The positive effects have stemmed from the full use of civil liberties. The negative effects are the result of illusions created where democratic foundations are not yet consolidated.
- Insecurity stemming from common crime has clearly increased. The murder rate, which has doubled, and the brutality of many assaults to commit robbery on highways and even in San Salvador make lack of individual security the biggest problem for the new police force.
- In the four months prior to the elections, the human rights situation deteriorated according to the Office of the Human Rights Ombudsman's fourth report. The strong tradition of violence against human rights is hampering the progress of peace and stability. The most important political murders in this period were of Oscar Grimaldi, Francisco Velis and Heleno Hernán Castro, FMLN cadres; Manuel de Jesús Acevedo and Remberto Antonio López, José Andrés Bonilla Ventura, running for mayor of Guazapa, Rubén Eduardo Vanegas, Simeón Cartagena, Juan Irene Beltrán Durán and several militants, all of them from the FMLN; and, without a doubt, the most serious crime, the murder of Mario López, member of the FMLN negotiating team and candidate to the Central American Parliament (PARLACEN).
  Human rights reports also point to the bullying and intimidation as in the recent past as well as physical attacks and murders by the National Police and Army members. These were not political crimes but violations of citizens' human rights.
- An important development was the creation on December 8, 1993 of the Joint Group, composed of the Ombudsman, Molina Fonseca; ONUSAL Human Rights Director, García Sayán; and two lawyers named by the government. They had a mandate to investigate recent political assassinations and submit a report in six months.

C. The Elections

In these elections, the population of El Salvador elected the president and vice-president of the Republic, 262 mayors, 84 members of the Legislative Assembly and 20 members of PARLACEN. A total of 1.411 million citizens voted, that is, 400,000 more than in 1991 and 1989. The figure represents 55% of registered voters (2.722 million). The 45% abstention rate was not expected.

18 See Human Rights Watch. Americas, March 1994, vol. VI, no. 4.

The results were as follows: ARENA, 641,108 votes (49.03%); CD-FMLN-MNR, 325,582 (24.9%); PDC, 214,277 (16.36%); PCN, 70,504 (5.39%). The rest of the votes went to the small parties Unidad, Solidaridad and MAC. The Electoral Law stipulates that if no party obtains an absolute majority, a second round is held between the first two contenders. The second round was held on April 24, 1994, with the following results: 1.246 votes were cast, of which 813,264 were for ARENA and 378,980 for the coalition. Therefore, Armando Calderón Sol was elected President and Enrique Borgo as Vice-President. ARENA's victory was sweeping because it won 39 of the 84 seats in the Legislative Assembly and controls 206 municipalities of the 262 in the country. Convergencia-FMLN has 22 seats and 16 municipalities.

Despite the efforts made by ONUSAL, donor countries and several NGOs, the Supreme Electoral Tribunal did not produce a fully adequate electoral roll. The elections were not fraudulent but there were serious technical deficiencies. For example, CESPAD revealed that since birth certificates were lost in the archives of the Supreme Electoral Tribunal, 129,552 people were unable to obtain their electoral cards. According to another source, some 74,000 people (3%) could not obtain their documents on time and some 100,000 cards were left in the Tribunal because the applicants did not pick them up in time.[19]

On election day, there were transportation problems and too many polling booths were concentrated in too few polling stations. This made it difficult for voters to find the table where their name was registered or resulted in lengthy waits. Many citizens who had electoral cards were not able to vote because their names were not on the lists or their names were confused. ONUSAL estimates the number of people in this situation at about 25,000 or 2% of voters. (United Nations, March 31, 1994, S/1994/375, p. 5)

The event was supervised by over 2,000 observers, including 900 from ONUSAL, and technical supervision was provided during polling. The election results were not challenged by any party, except for a few municipal results. In terms of form, it was a democratic election. Thus, despite irregularities described in the Secretary-General's report on the UN mission of observers in El Salvador dated March 31, 1994, in the final considerations it states that the UN special representative declared: "Despite the aforementioned serious deficiencies regarding organization and transparency, these elections can be considered acceptable". (United Nations, ibid, p. 7)

We shall add three final comments on what is needed for the sustained democratic development of El Salvador. First, the abstention rate was higher in the second round and represents figures greater than the number of ballots cast. Does this reveal scepticism, apathy, incredulity or fear? Abstention was higher in rural areas. We think the abstention rate underlines the distance between the political elites and the ordinary citizen; it is an explicit manifestation of social exclusion.[20]

Second, participation in an election is only a qualified mode of democratic participation in the broadest sense, and it is advisable to foster and protect it. To bring this about in the specific sphere of voting, solid education drives are necessary, particularly aimed at children. It is also necessary, of course, to ensure that all citizens wishing to vote can do so and thus the technical shortcomings, which were many, unfortunately, must be overcome. Learning about democracy involves elementary teaching on how to vote and wanting to.

Last, citizens who become aware of their condition as political beings need to make every effort to gradually become actors who see others simply as political contenders, who admit to differences and tolerate them. In many cases — demobilized combatants and relatives of war victims, for example — people must experience a profound psychological and cultural conversion to overcome their fears and aggression and enter into peaceful, pluralistic, secularized participation in political life. This is political culture, to achieve full and responsible citizenship vis-à-vis the rights and duties that the state grants and society demands.

19 See Tendencias, no. 28, pp. XXV and 29, April, supplement, p. XXVIII.

20 See Refael Guido Béjar: Revista Tendencias 1994.

11. Economic and Social Matters

A. Land Transfers

In October 1992, ONUSAL proposed a program for transferring land to ex-combatants of the FMLN and Armed Forces, as well as to other sectors of the population.

This program, which encompassed 237,000 *manzanas*[21] intended for 47,500 ex-combatants from both sides, was to be carried out in three phases. In the first of these, 77,000 manzanas were to be given to 15,400 beneficiaries. The government was to provide state land, and USAID was to supply the funding. Ex-FMLN combatants were to be treated as the priority. In the second phase, equal access to land would be granted to both sides. Funds would come primarily from the European Community for 20,000 manzanas and 4,000 beneficiaries. Donors have yet to be identified for phase three, which would allot 140,500 manzanas to 28,100 beneficiaries.

In general, the process of land transfer is considerably behind schedule. Moreover, despite the fact that less than 60% of phase one has been implemented, resources from phase two are already being used to provide land for ex-Armed Forces combatants.

This delay is due to several factors, such as difficulties experienced by both sides in presenting lists with the names and identification card numbers of their demobilized combatants, the bureaucratic 17-stage procedure for legal transfer under the Land Bank Department and, finally, the refusal of banks to allot credit to those who have not yet negotiated the acquisition of their new land. This delay has been negative because many people who had settled on land that owners refused to sell relocated in order to hasten the acquisition process, thereby causing land prices to rise. This increase will, in turn, be reflected in the need for funding, with prices likely to climb as high as those demanded for unoccupied land.

Available credit has not sufficed to cover land, housing and crop needs. According to an ECLA study, short-term perspectives show that the great majority of land transfer beneficiaries who only grow grains are unable to produce enough income from their plots of land to support their own families. Thus having resources to plant does not solve the economic problems of ex-combatants wanting to establish themselves as farmers.

B. Forum for Economic and Social Consultation

On February 22, 1993, representatives of the government, business and workers signed an accord to establish the Forum, endorsing mechanisms for reaching agreements aimed at economic and social development concerned with the greatest possible social stability. Procedures included the equality of all parties and respect for decisions reached by consensus. Some of the central objectives were to review the Labour Code, laws concerning the right to unionization, conflict solving and aspects of general interest to the three groups.

Before the Forum was established, a report presented by Oscar Valverde, assistant regional consultant for worker activities (F. Ebert Foundation), was concerned that the Forum may help the government to obtain a guarantee from employers and workers in its efforts to implement the neoliberal economic model. On one hand, the government is already preparing projects for the creation of industrial free zones, foreign investment incentive plans (*maquiladoras* and transnationals), greater labour flexibility and contract deregulation. On the other hand, business is urging workers to contribute to the consolidation of peace by refraining from making impossible demands or organizing destabilizing mobilizations (Valverde, 1992, p. 5).

Indeed, the Forum has been one of the bodies experiencing the greatest difficulties in negotiations. Leaders of the Unidad Nacional de los Trabajadores Salvadoreños (UNTS) explained that the mid-1993 deadlock was due to the government's position, according to which ILO agreements 87, 98, 135, 151 and

21. One manzana is approximately equal to 0.7 hectares or 1.7 acres.

154, concerning trade-union freedoms, the right to unionization and the right to collective bargaining, were unconstitutional. Furthermore, the government considered that ratifying ILO conventions 103 and 156, regarding job protection for women in the case of maternity and equal employment opportunities for men and women, would be "politically inappropriate." (*La Nación*, August 30, 1993, p. 32A) The workers' request was not new; they had repeatedly pointed out the need to update labour legislation, for example, in all areas of discrimination against working women.

Despite the setbacks that have been mentioned, in August 1993 certain commitments were signed in relation to ILO conventions, the legal status of trade unions and associations, mechanisms for solving labour conflicts and the creation of a new legal framework for drafting the Organic Law of the Ministry of Labour, the Law on Labour Relations in Public Administration, the Labour Code and the new Social Security system. The Higher Council of Labour (Consejo Superior de Trabajo) was also created.

Dialogue has not been easy and problems have been numerous as a result of conflicting interests. Representatives of both workers and business chambers have removed themselves from the negotiating table on several occasions amidst mutual accusations and denunciations. However, this is a democratic form of participation. Héctor Vidal,[22] President of the Asociación Nacional de Empresarios, stated that, after the Peace Accords, the consensus to create the Forum was the most important agreement in the effort to achieve national reconciliation.

Four months before the elections, the negotiation consensus was lost; the Forum was suspended and with it, one of the most promising bodies to promote development.

C. Reintegration and Training Programs

People who took part in the war will need reevaluation of their work experience, as well as help and support from the standpoint of their psychology, health, education, training and integration into productive labour.

Programs to reintegrate people and rebuild former war zones include literacy training for the demobilized and job training. The Literacy and Basic Education project has already reached some 2,000 ex-FMLN combatants, while 844 received training for their entrance into the National Public Security Academy. In the department of Morazán alone, 1,597 people benefited from courses in crafts, industry and services provided by the Fundación Segundo Montes with resources from FEDISAL. Plans have also been made to supply farmers with tools and to make credit available for small enterprises.

A UNDP-supported program for reintegrating former Armed Forces officers and middle-level FMLN combatants is underway. It will help 600 people with training, food and loans for business ventures in production and housing.

Former women combatants require special attention due to cases of discrimination that we discuss later in this text. In its *'Diagnosis of the Current Situation of Former Women Combatants'*, PRODEPAS states that, while solidarity with women is rhetorically expressed in the FMLN, this has rarely been reflected in practical social change for greater equality because of the double workday and other time-consuming situations that prevent women from making socio-economic progress.

Programs for the War-Disabled

The National Census on the War-Disabled was carried out with cooperation from Canada, the European Union and the Ministry of Health. By July 1993, 33,685 people had been registered as directly or indirectly disabled victims of the war. Two new organizations, the Asociación de Lisiados de la Fuerza Armada and the Asociación de Lisiados y Discapacitados de Guerra, made joint applications for pensions, loans, medical care, housing, land, prostheses and other resources. However, the entire program has encountered difficul-

22 Interview, September 1993.

ties because its medical component was interrupted from February until April due to a disagreement regarding the choice of leaders and a delay related to a lack of hospital equipment.

With regard to financial resources, the Law on the Fund for the Protection of the Disabled states that the government is responsible for making the original contribution to the board of directors, after which the European Community will provide an additional sum of $46,000.

One of the most important organizational milestones has been the unity between disabled from the FMLN and the Armed Forces in their demands for compliance with previous commitments. Unfortunately, on May 20, 1993, the National Police brutally repressed a joint demonstration by the Asociación Salvadoreña de Lisiados y Discapacitados de Guerra (ASALDIG: 23 de Febrero), the Asociación de Lisiados de las Fuerzas Armadas de El Salvador (ALFAES) and the Asociación de Familiares de Caídos y Desaparecidos de El Salvador (ALCADES). This repression caused the death of a young man named Santos Martínez Pérez, as well as injuries and tear-gas intoxication. Some of the victims were students from a nearby school and other people who had not participated in the event.

Such savage police brutality is a vivid example of the terrible problems to be confronted in overcoming habits of violence and providing citizens with a sense of security in the face of armed government groups that have not yet understood or made the changes needed to reach a genuine peace.

12. Final Considerations

The merit of Alfredo Cristiani's government was signing the Peace Accords, which brought the civil war to an end. The stated content of the Accords was ambitious — more than ending the armed conflict. It included proposals attempting to shape a new era, a new society for El Salvador, although it fell short of being an explicit model to reorganize society. For many reasons, the society needs to embrace two fundamental changes: leaving behind the inadequacies of the past and reconfiguring political and social life so that the sacrifices of the past are never repeated.

After initial gains, however, the Accords confronted obstacles that hindered the realization of its ambitious provisions for peace and national reconciliation. On several occasions, the parties, with the help of the United Nations, were obliged to reschedule their agreed timetable. Even assuming good faith on both sides, these delays show that it is not an easy task to overcome the complex legacy of the past. The most difficult challenge is to guarantee respect for human rights.

As Boutros Boutros-Ghali underlined, the most important achievements of the Peace Accords was both sides' commitment to a prolonged cease-fire, the celebration of the formal end of the armed conflict on December 15, 1992, and the conversion of the FMLN into a political party. The Secretary General has emphasized that the full implementation of the Accords is the foundation for durable national reconciliation and peace. Key aspects of the Accords include the reintegration of ex-combatants into national life, building new democratic institutions and modernizing older, decayed structures; emergency aid to the poorest, especially in the former conflict areas; and the rehabilitation of infrastructure and basic services damaged or interrupted as a result of the conflict.[23]

The obstacles to implementing the Accords were due above all to resistance from the Armed Forces. For example, the Ad Hoc Commission's recommendation to remove 102 officers for their complicity in serious human rights violations was carried out with provocative slowness. Fifteen high-ranking officers were retired, but they remained in leading political positions. One of them was General Emilio Ponce, alleged to be the mastermind behind the murder of the Jesuits and two women at the UCA (Central American University) in November 1989, who was designated to a high position in ANTEL (the national telecommunications enterprise).

Cristiani's government was also ambiguous on whether it would act on those aspects of the Accords designed to restore citizens' trust in the authorities and create a climate of tolerance and reconciliation. The

23 See United Nations, May 21, 1993, S/26033.

Office of the Human Rights Ombudsman was not given adequate funds and some vital actions stemming from the Truth Commission's recommendations were delayed or not met. For example, urgent changes are required in the judicial system, especially in the Supreme Court, which was an accomplice to military impunity. Some constitutional reforms in this area have still not been carried out. Denunciations in the US press regarding complicity of members of the business, political and military sectors with the death squads were ignored or discredited. It was certainly difficult for a right-wing government to punish its own cadres.

Moreover, a new generation of death squads appeared in mid-1993; their methods of operating revealed them to be paramilitary groups. Only under intense pressure did the government accepted to investigate the facts and also agreed to do away with the National Police for good. The National Civil Police is still not completely formed and the date of this event has been pushed back from November 1994 to March 1995.

Finally, while there were genuine economic difficulties in giving land to the demobilized, but government support for the integration of ex-combatants (from both sides) into production has been partial and late in coming. The scope of the Land Transfer Program (PTT) has been extended from 25,000 to 40,000 beneficiaries and the second stage of the Program began in late May 1994.

The FMLN also failed to meet certain commitments, for example, events in the wake of the discovery of the arms cache in Nicaragua. The FMLN rightly demanded that the Civil Police be demilitarized, but it agreed that members of the Criminal Investigation Commission and of the Anti-Drug-Trafficking Unit, who had belonged to the National Police and who had been charged with acts of violence against many citizens, join the Civil Police.

An overall evaluation of the fulfilment of the different accords will depend on whether the yardstick is the difference between the civil war and postwar period or between the present situation and democracy. From the first vantage point, it is clear that there has been improvement. From the perspective of transition to democracy, there have been stumbling blocks and even lack of political will.

The disqualification of the Truth Commission's denunciations, which were objected to on legal grounds, not within an ethical context, is extremely worrisome because it sets a pattern for dismissing demands for justice. Impunity must be challenged vigorously. It will be difficult to talk of rule of law, much less of democracy, as long as impunity persists.

The Legislative Assembly demonstrated bad faith in declaring a general amnesty, thereby ensuring impunity for people accused of the most widely known and deplored crimes both nationally and internationally; for example, the mass murder at El Mozote and the murders at the Universidad Centroamericana José Simeón Cañas. Another bad sign is that basic elements in the repressive structure, such as the names of the members of the National Police, the CIDH (Comision Investigadora de Hechos delictivos) and the former Dirección Nacional de Inteligencia, were not given to ONUSAL, which means that these people can stay in similar positions. This also indicates the weakness of civil society and international governments and organizations when it comes to having the accords implemented.

What will happen to the accords that are not implemented? Will they be forgotten by the government, lost among endless red tape, with no interest being expressed in reviving them? Will an attempt be made to turn the page in a total whitewash?

Open criticism of the United Nations, and with it criticism of any denunciation, particularly from abroad, is also worrisome. Nationalistic propaganda could silence an important source of support for the defence of human rights. The *Diario de Hoy*, in its September 10, 1993, issue (p. 7-11), carried an article entitled "*ONUSAL's Notorious Partiality*". It claimed that socialists, such as Pérez de Cuéllar, had infiltrated the UN: "Said official's actions show great partiality against the Salvadoran people." Referring to the appearance of FMLN arms in Nicaragua, the article added: "The equally partial Mr. Boutros Ghali ... has been exposed as a liar in the face of national and international public opinion."

Opposition groups have expressed concern over the "cosmetic" manner in which changes are being implemented for foreign consumption. According to the director of IEJES, Félix Ulloa,[24] the government presents to the international community "progress in form, not in content. For its part, the government has stated that delays are the result of the lack of economic resources, not of political will".

It is therefore necessary to bolster all national human rights watch groups and to maintain ties with international organizations, which will disseminate news of violations abroad. All resources earmarked for this work will be used to the full since, even in present conditions, the need is still greater than the resources.

The Salvadoran people have experienced innumerable violations of their most elementary rights. Now, with the prospect of a new dispensation, every effort must be made to empower civil society so that it can demand justice The international community has contributed a great deal to designing this bridge and its continued contribution and support are required to reinforce the structure.

III. Security Rights

El Salvador has an awesome history of killings, torture, disappearances and massacres. Though some of this is the result of the war, its origins go deeper, as explained in the historical summary. According to the report of the Truth Commission and the accounts of some presumed perpetrators, the Armed Forces of El Salvador and other state, military and paramilitary bodies have been responsible for the majority of security rights violations.

Arrogance on the part of the powerful, abuse of authority and social exclusion became entrenched through a learning process in which impunity reinforced the capacity to inflict harm. With authoritarianism and power hierarchies, this pattern was not just a domestic product of El Salvador. To the contrary, it was aided and abetted from outside. Now that the Cold War has ended, concern for fall-out from military schools has reached Fort Benning: "Nineteen of the twenty-seven officers identified by the Truth Commission for their involvement in the murders of the Jesuits and two women at the UCA (Central American University) were graduates of the US Army's School of the Americas in Fort Benning, Georgia. In fact, almost three-fourths of the Salvadoran officers accused of seven other massacres that occurred during that country's bloody civil war were trained in Fort Benning, which has been called the 'School for Dictators'." (*La Nación*, August 22, 1993; p. 18)

The psychological, social and economic destruction produced by the war were interrupted when the parties sat down at the negotiating table. Referring to these circumstances, Benjamín Cuéllar,[25] Director of the Instituto de Derechos Humanos de la Universidad Centroamericana (IDHUCA), remarked that "anything is better than war." This, however, does not mean that respect for human rights is now satisfactory in peacetime.

The optimists on rights are generally found among government groups. Others believe there is a covert, systematic program aimed at socially persecuting opposition groups. Most remain concerned about the status of rights since the reality of assassinations and political threats is obvious.

Persecution due to ideological differences obstructs social participation. It became a source of concern during the electoral period, when basic rights were being violated. Other factors contributing to a climate of insecurity include: unaccounted for weapons which may be used in robberies and acts of revenge; an increase in crime, particularly among youth ("maras" or gangs); and sexual and domestic abuse, whose victims, in large measure, are women. If we add the presence of armed soldiers, lauded as the solution to

24 Interview, September 1993.

25 Interview, August 1993.

crime (and thus contrary to the Peace Accords); the slowness in transforming the National Civil Police; and citizens' mistrust of the judiciary, we are confronted with a situation of defencelessness sustained by the old "culture of terror."

Politically, this situation seems to be more manageable. As Mercedes Peña,[26] of the FMLN's International Relations Secretariat, pointed out: "Lately, the human rights of some of our members have been violated, and others have been murdered, but that was almost to be expected, given the ideology and methods of the extreme right in our country ... There is close to one murder a month; our offices have been machine-gunned ... The problem is that now they have a new approach; they look for places, opportunities. The crimes are no longer committed inside; people are followed ... And it's not in the government's interest to investigate."

Organizations with experience in different aspects of struggle are better organized and can protect themselves more effectively than most other people, who are under permanent threat, so much so that small businesses serve their customers through bars on their storefronts. Fear of attack and death produces tension and limited social life, especially for women, who are forced to not go out alone and at night, not go out at all.

Death threats continue to be made openly, even in paid ads in the mass media. Communiqués by the "Ejército Salvadoreño Anticomunista", the "Brigada Maximiliano Hernández Martínez", the "Escuadrón de los Angeles de la Muerte"; techniques used by the paramilitary squads in the past (victims tied by their thumbs, with wounds in the shape of the letter "M"[27]) are reminders to the Salvadoran people of the dangers of disagreeing with the ruling circles.

In his report to the Security Council on May 21, 1993, the UN Secretary-General presented a systematized appendix of recommendations regarding human rights. The obligation to respect these rights stems from both the San José Agreement and the report by the Truth Commission. Those recommendations are:

1. Ratification of international human rights instruments to which the Government of El Salvador has not acceded or that it has not ratified as yet (listed in the sixth report).
2. Structural and functional reform of the judiciary.
3. Establishment of a special commission of inquiry to investigate arbitrary and extralegal executions.
4. Amendment of the legislation governing the remedies of *habeas corpus* and *amparo* to make them effective.
5. Establishment of a compensation fund for victims of human rights violations.
6. Improvement of the composition and powers of the National Council of the Judiciary and ensuring the independence of the Judicial Training School.
7. Elimination of extrajudicial confession.
8. Definition of torture and enforced disappearance as offences in special criminal legislation.
9. Drafting and passing legislation regulating the conduct of law-enforcement officials.
10. Abolition of the practice of arbitrary detention for petty misdemeanours and repeal of the 1886 Police Act.
11. Temporary application of the Act governing the procedure for administrative detention or the imposition of administrative fines.
12. Amendment of the disciplinary regime under the Career Judicial Service Act so that the Supreme Court of Justice or its President can investigate formally any irregularities or violations of due process.
13. Authorization of a visit to El Salvador by the ILO Committee on Freedom of Association.
14. Investigations by the Supreme Court of violations of due process.
15. Prompt legal recognition of associations and trade unions. (S/26033, p. 61).

26 Interview, September 1993.

27 Translator's note: "M" stands for "muerte" or death in Spanish.

The tenth report by the Director of the ONUSAL Human Rights Division to the UN Secretary-General mentions three phases in the evolution of human rights. According to this analysis, the first five months of 1993 were characterized by mixed results with strong points and weak ones. From July to October, the situation worsened with a "serious regression"; then a relative improvement was reported by the end of the year, the situation being similar to the first period.

Referring to the perpetrators of the violations, the Human Rights Division states that it "has not found any evidence or signs that would support the idea that state institutions participated in these violations"[28] and attributes them to intolerance on the part of marginal sectors, repercussions of the war and "private-political motives", that is, settling past accounts.

Given persistent denunciations of political killings,[29] the Interinstitutional Governmental Commission was established presided over by the Minister of the Presidency and made up of representatives from the Attorney General's Office, the National Civil Police, the Criminal Investigation Commission, the Organismo de Inteligencia del Estado and the Comisionado Presidencial para los Derechos Humanos; investigators from Scotland Yard, the FBI and the Spanish Police were invited to participate in the work. The commission's composition has been questioned by ONUSAL; it is considered as not meeting the UN criteria for investigating arbitrary executions since it lacks political independence. At the UN Secretary-General's proposal, and after an agreement was reached between the government and the FMLN, the Grupo Conjunto de Investigación de Grupos Armados Ilegales con Motivación Política was constituted; it is to report in July 1994.

In 1993 ONUSAL considered as admissible an average of 13 arbitrary executions per month. This figure is comparable to that for the second half of 1992 and early 1994. The absolute figures for 1993 were 157 arbitrary executions, 22 cases of torture, 184 cases of ill-treatment and 58 instances of excessive use of force.

Under the heading of violations of the right to security were forced disappearances, kidnapping and threats, for a total of 168 admissible cases.

There are still a great number of arbitrary detentions due to police deficiencies. ONUSAL divides them into three kinds:

- Detentions for behaviour not prescribed or explicitly defined by law.
- Administrative detentions with violations of minimal procedural guarantees.
- Detention by authorities not authorized to do so.

To deal with this, the 1886 Police Act must be repealed. Its terms lead some poor people, such as prostitutes, "vagabonds" and "suspicious persons", to be considered as law-breakers. Detention per se is life threatening since in jail, life depends on the power of the guards and/or dangerous inmates.[30]

The Human Rights Division of ONUSAL and the Ombudsman's office have taken over international and official monitoring of the development and protection of human rights.

However, well before these bodies, NGOs were making (and still do) a pioneer monitoring contribution. Sources, classification, cutoff dates and procedures are different,[31] which is why the findings rarely coincide. IDHUCA (1994) stated there were 546 extra-judicial executions in 1993; ONUSAL only accepted 157. The monthly monitoring done by Tutela Legal, Socorro Jurídico Cristiano, IDHUCA and CDHES is an invaluable contribution to the fight for justice.

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28 Tenth Report by the Director of the ONUSAL Human Rights Division to the UN Secretary-General, San Salvador: ONUSAL, 1994, p.2.

29 From August 1993 to February 1994 alone, the FMLN reported 22 assassinations and 6 attempts on the lives of members of its political organization. Over 80% of the victims were ex-combatants and rank-and-file members.

30 On November 18, 1993, 27 out of 130 inmates died in a fight; none of the guards or the warden intervened. On February 24, 1994, seven inmates had their throats slit during a riot in Santa Ana.

31 ONUSAL examines admissible complaints only, whereas other organizations use testimonies, sources quoted in the press, and so forth.

The NGOs that spoke out against arbitrary acts committed during the periods of greatest repression continue to be the most forceful and the quickest to act in the defence of human rights. Their resolve and sense of commitment, to the point of endangering their lives, deserve worldwide recognition. Some of the outstanding NGOs are:

- Centro de Estudios para la Aplicación del Derecho, CESPAD
- Comisión de Derechos Humanos de El Salvador No-Gubernamental
- Comité Cristiano Pro Desplazados de El Salvador, CRIPDES
- Comité de Familiares Pro-Libertad de Presos, Desaparecidos Políticos de El Salvador, CODEFAM
- Comité de Madres de Desaparecidos "Monseñor Oscar Arnulfo Romero", CO-MADRES
- Human Rights Department, Sínodo Luterano Salvadoreño
- Human Rights Institute, Universidad Centroamericana "José Simeón Cañas", IDHUCA
- Legal Consultation Office, Faculty of Law and Social Sciences, Universidad de El Salvador
- Oficina de Tutela Legal del Arzobispado
- Socorro Jurídico Cristiano "Arzobispo Oscar A. Romero", SJC

Despite their courage and the remarkable experience these and other organizations have amassed, the new circumstances require a change in methods in which denunciation is paired with education about human rights.

As leaders in the struggle for a lawful society, the NGOs have stated their concerns about the administrative and even pro-government language used by ONUSAL and the Ombudsman's office. ONUSAL expresses itself in lukewarm diplomatic language, for example: "The right to life continues to be the most fragile category (Tenth Report, p. 7); "The ambivalent evolution with strong points and weak ones" (ibid, p. 2); "The government has accepted some recommendations in specific cases" (S/2551, p. 58). This and the Office of the Human Rights Ombudsman's lack of immediate, decisive response have led to speculation about their "adaptation" to the system.

In contrast to these bodies' optimism, the NGOs do not hesitate in maintaining that a plan exists[32] which is coordinated by the remains of the death squads.

These serious charges are backed by an examination of those presumed responsible for the violations. Mention is made of members of the National Police (32.46%), of the Municipal Police (3.54%), of the National Civil Police (4.35%), of the Armed Forces (6.28%), the Public Prosecutor's Office (0.19%), the Executive (1.49%), the Judiciary (18.97%) and members of the Anti-Drug-Trafficking Unit (2.05%). The conclusion is that about 70% of persons accused of violations of security rights are state personnel. If, as stated in the tenth report, the Human Rights Division has not found any evidence or signs to support the idea that state institutions participated, the alternative is to assume that anarchy rules or the state has no control over its most important bodies.

Given the situation, the NGOs have demanded a strong, firm voice, a voice the Ombudsman's office can find from within if it establishes a more participatory system wherein it takes advantage of these organizations' outstanding history and proven commitment.

There is also a high level of what the government calls "common crime," and there are youth gangs known as "*maras*," which try to take justice into their own hands to deal with their rivals. Considering all this, the preoccupation with personal security is easy to understand. According to a survey carried out by the University Institute of Public Opinion (IUDOP) in February 1993, 73.2% of the population considered that crime was the country's major problem, and 76% of those affected by this problem had registered no official complaints. However, ONUSAL's figures "do not indicate a dramatic increase in common crime since

32 The same hypothesis has been presented publicly by the Consejo Universitario of the Universidad de El Salvador. (See CODEHUCA, "Brecha", no. 1, 1994).

the Peace Agreement was signed, (though) it is indisputable that the rate is very high and that the end of the armed conflict may have contributed to its being brought to the public's attention." (UN, May 21, 1993, S/26033, p. 11) ONUSAL also mentions a disproportionate relation between the types of offences and the number of deaths caused. From February until April, 50 criminal acts involving death or bodily harm were recorded. Of that total, 55.69% were committed with firearms, many of which were heavy calibre (M-16s or AK-47s); 23.04% were committed with knives and similar weapons; 4.47%, with grenades or explosives; 4.4% involved beatings or strangulations; and, in 12.6% of the cases, reports did not specify what weapon or force was used.

The high level of social violence stems from the social experiences of war which prompted the use of weapons by many Salvadorans. Moreover, so-called "common crime" seems to serve in part as a facade for political violence and as a justification for involvement on the part of repressive bodies. There is a higher crime rate in urban areas, especially in San Salvador. Yet the government sends the National Civil Police to rural areas and mobilizes the Army and National Police in more heavily populated areas. Some say that crime is currently used as an excuse to mask human rights abuses. One rights NGO leader said that

> *the National Police continue to make arbitrary arrests. They sometimes capture young people from the FMLN and say that they are members of gangs. (They used to be captured for being subversives.) Three months ago, they captured and tortured a member of Convergencia. People are naturally afraid and no one has come near him since then. Therefore, his political work has been obstructed ... Another member of the same organization was followed and attacked in a bus. They demanded her documents — her organization's membership card, etc. — but didn't take any money. This is a way to frighten people....*

The Judicial Branch lacks credibility, particularly regarding impunity in crimes committed by politically powerful individuals or organizations. In mid-1993, the non-governmental Human Rights Commission of El Salvador saw as one very serious tendency the

> *repeated neglect by judges and magistrates to perform their duties and administer justice soundly and efficiently. This failure to comply with their duties is the result of their subordination to the decisive weight of the Chief Justice of the Supreme Court or to those who really wield political power in our country: the military.*
>
> CDHES, 1993, p. 8

According to the CPDN (National Debate for Peace in El Salvador), "The justice system continues to be controlled by the right-wing sector of the government, and it is one of the weakest points in the implementation of the Accords." (CPDN, 1993, p. 7)

The judicial bodies' lack of credibility is extremely detrimental because, if the population has no confidence in them and therefore lodges no complaints, it will be practically impossible to realize the Rule of Law. No real change seems to be forthcoming. Nothing suggests that the Judicial Branch is considering self-criticism or change, regardless of the recurrent public accusations that it has faced. To cite one media example, a minor was raped in public by a hacienda owner. The man was freed immediately because he was the friend of the judge responsible for the trial.

Violence and repression have also victimized judges committed to applying the law, specifically those responsible for trying people who have the power to intimidate. In one of his Sunday homilies, Archbishop Arturo Rivera Damas said that he had been "deeply moved by the assassination of the First Judge of San Salvador's Criminal Court, Dr. Francisco Arturo Pleitez." So he asked the appropriate authorities to take the necessary measures to contain the violence describing the latest violence as a "macabre dance ... with a strong thirst for blood." He also stressed the need for a genuine demilitarization of Salvadoran society. (Fundación Flor de Izote, September 6-8, 1993, p. 1)

All Salvadoran society suffers from this violence and impunity. The Army maintains a high level of security. Troops were visible on the entire stretch of highway between the airport and the capital in late 1993. Private homes and businesses are also protected. Supermarkets employ guards armed with machine guns, and small family businesses serve customers through iron bars. The judges of the courts of first instance have requested that the Supreme Court of Justice provide them with firearms, their own protective cubicles, life-insurance policies and a higher increase in salaries. The fifth judge of the Criminal Court, Dr. Amílcar Palacios, stated: "We are completely unprotected, and, just like any ordinary citizens, we are exposed to being the victims of crime." (Ibid, p. 5)

Possession of weapons is now a normal means of protection. "Weapons are used for protection; they are allowed, provided they are registered, but people have to change the ways they solve problems," Susan Soux,[33] pointed out. The rich have access to guards, smoked-glass windows in their cars and invisible houses, hidden by massive walls topped with barbed wire, whereas the poor move around on foot and on buses and run the risk of being robbed of their scanty possessions.

Weapons are evident in practically all strata of Salvadoran society. The Peace Accords call for taking these weapons out of circulation, but there is no compliance. Serious crimes have occurred as a result of the use of war weapons, such as grenades, against the civilian population.

In conclusion, despite the Peace Accords, human rights violations in El Salvador show a systematic pattern. We therefore subscribe to independent expert Pedro Nikken's observation (1994): "Conditions surrounding security are still not solid enough to discontinue the United Nations' verification of the San José Agreement. (Thus) the UN presence in El Salvador to provide monitoring and assistance in the sphere of human rights should be continued throughout the transition", to which we add, with the cooperation and support of NGOs that have traditionally been associated with the defence of human rights.

IV. Participatory Rights

1. Civil Society

What role has civil society played in transforming Salvadoran social life? How has popular organizing influenced intolerance and discrimination? Political parties differ widely on the appropriate role of civil society and its relation to parties and the state.

Groups that have had access to political power in the last few years tend to back their positions using the status quo of laws, party and elections. By contrast, those fighting for greater participation in decision-making attempt to mobilize the popular sectors to back their demands. Hence views of civil society's current role in El Salvador. Some feel that direct participation is basic to the development of democracy; others think that demands should be articulated and defined through traditional channels, such as political parties. Between these opposite poles are varying degrees of opinion, a sampling of which follows:

The first vantage point insists on grass-roots participation, as Marta Benítez,[34] Director of CIADES, asserts : "... I don't think there can be any solution if communities don't take part in solving their economic, social, political, cultural and environmental problems ... People talk of rebuilding El Salvador, but, in fact, it actually has to be built." Alexander Segovia, Director of CENITEC (interview, September 1993) suggests that:

The problem with civil society is defining it. There is a tendency to define it too broadly. In this country, you can do all kinds of outrageous things in its name ... There is abuse, and authoritarian arguments are sometimes put forward in the name of civil society. Civil society is immaculate ... some say that, if you don't

33 Interview, September 1993.

34 Interview, September 1993.

agree with it, you're against democracy. Who are the representatives of civil society in a society like ours, which is completely disjointed?

There is consensus on a number of points: first, that civil society played an important role during the war. There is also consensus that civil society has to be strengthened; otherwise there cannot be democracy. Differences exist as to its importance; for some groups on the left, civil society must take precedence over government. The PDC argues differently: in a political system, the state, civil society and political society have no reason to subjugate one another.

Gloria Salguero Gros[35] (ARENA) thinks that civil society's participation is clearly defined in the constitution: "the citizenry is represented by political parties." Similarly, Julio Moreno (PCN) says that access to power should be open to all through political institutions within the democratic process and not through force. He therefore recommends greater rapprochement with the political parties and active participation in them.

The political parties that have been in power have not been the main democratizing force in the country, whereas civil society knew how to organize and to demand rights systematically and on different fronts. Due to their importance, we will discuss two kinds of organizations: NGOs and trade unions.

A. Non-Governmental Organizations

NGOs have received well-deserved recognition for their work on behalf of those most affected by repression. In societies whose states do not solve basic problems related to survival — health, education, housing — and, moreover, become a threat for the excluded majority, NGOs are seen as organizational alternatives and rights advocates.

In the 1960s and 1970s, this type of initiative was undertaken by religious groups inspired by liberation theology to work with society's most disadvantaged groups. Organizations like the Secretariado Social Arquidiocesano began work with repercussions on the struggle for human rights. The goals of such groups included improving the population's economic situation. El Salvador saw the creation of the Fundación Promotora de Cooperativas, Fundación Salvadoreña de Vivienda Mínima (FUNDASAL), Asociación Fe y Alegría, Comunidades Eclesiásticas de Base, Centro de Rehabilitación Familiar Cristiano (CREFAC) and Centro de Recuperación y Desarrollo Económico y Espiritual del Hombre (CREDHO).

The Catholic Church established rural training centres, especially in the west of the country. These concentrated on developing communal and peasant leaders, who received organizing and negotiating training. Twenty years later, people who had access to such centres have been acknowledged as influential leaders in the organization of cooperatives and the peasantry. Peter Sollis[36] sees this as a good example of training with long-term effects and recommends that it should be considered as a model for development.

Subsequently, the Christian churches continued to defend their fellow human beings and founded specialized organizations such as Tutela Legal, Socorro Jurídico (Catholic), Socorro Luterano (Lutheran), Diaconia. Other organizations were set up by the Episcopal, Reformed and Baptist churches and others.

As in several other Latin American countries, universities in El Salvador became critical of the government following the Córdoba Reform. The University of El Salvador was a place of learning for the majority of those leaders who spoke out against repression, and the institution itself became a victim of repression. The Universidad Católica José Simeón Cañas was first seen as an alternative to the rebellious state university, but it became a centre for analysis of power structures. It defended human rights and paid dearly for its commitment with the martyrs who were murdered on its grounds.[37]

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35 Interview, September 1993.

36 Personal comment, September 1993.

37 For a detailed account of university political work, see Valle, 1993, "Siembra de Vientos. El Salvador 1960-69".

During the 1980s, over 50 non-governmental groups were created. This significant increase indicates the level of interest in solving the country's problems and participating in the process of change. This effervescence stemmed partly from people affected by serious problems extending beyond the possibilities of individual efforts. Such were the cases of CRIPDES (Comité Cristiano para los Desplazados de El Salvador) and the CRN (Coordinadora Nacional para la Repoblación), which were jointly responsible for supporting the refugees and displaced.

Unable to count on support from the state, communities joined together to respond to specific situations, creating development councils. Due to transportation problems and the need for outside economic support, they also promoted networks that acted as intermediaries with international donors. Continuing action by grass-roots NGOs led to the development of a great organizational capability in areas related to employment, services, health and housing projects.

During the war, the FMLN encouraged the establishment of NGOs which fulfilled an organizational role that was indispensable for survival. NGOs directly related to the FMLN are skilled at surviving in extremely difficult circumstances.

By contrast, the peasants, particularly those who lived in war zones, became good organizers through their villages and cooperatives (CRIPDES, with 50 villages; FESACORA, with 172 cooperatives; FEDECOPADES, 80 cooperatives; ANTA, with some 10,000 agricultural workers, etc.).[38]

The progress of groups external to the government and the possibility of obtaining independent resources produced an expansion of such interests. Private enterprise also organized NGOs and received contributions from outside sources, especially from AID. Its work was concentrated on business and industrial training, housing and agricultural promotion. Its foundations acquired the presence and support of influential figures. For example, the membership of FUSADES (Fundación Salvadoreña para el Desarrollo Social y Económico) included Roberto Orellano Milla, currently the President of the Central Bank; Alfredo Cristiani, President of El Salvador; Mirna de Lievano, Minister of Planning; and Norma de Dowe, General Secretary of the National Reconstruction Secretariat. Some associations were created specifically to promote structural reforms in the direction of privatizing the state.

In 1992, the UNDP compiled a directory containing basic data on 186 private non-profit institutions that implement plans, programs or projects focussed on development.[39] Of the institutions mentioned in the UNDP directory, 90.87% are located in the municipalities of the Greater Metropolitan Area of San Salvador (Nuevo San Salvador, Antiguo Cuzcatlán and San Salvador). Women represent 52.38% (3,150) of those working for such institutions, whereas men constitute 47.62% (2,864) of their work force. Fifteen of the institutions reported that they had no employees, meaning that volunteers performed all their work.

The priority target populations for the above institutions were, in order of importance: low-income (56), undefined (47), affected by the war (14), community (13), women and women and children (22), only children (11), the rest being divided among priorities of 10 institutions or less.

Of these groups, 61 responded that they did not focus on any specific area; 36 mentioned health; 19, education and training; 15, ecology; and 14 research; with the rest corresponding to areas mentioned fewer than 7 times. The programs offered included: education (100), health (94), agriculture and livestock (68), environment (63), mother-child care (58), micro-scale enterprise (56), technical training (54), communal organization (54), nutrition (50). Other areas were referred to fewer than 50 times.

38 Information provided by M.T. Lima (UNTS).

39 This list does not include professional, communal or cooperative organizations, clubs or social groups, or sports, recreational, charity or religious associations. If all private organizations had been included, the total number would have been much higher. An appendix to the directory indicates that the number of private organizations with legal status, according to the Ministry of the Interior, is 732. (UNDP, 1992).

A special category of organization and participation is what Fuentes and Cuéllar (1993) call "unofficial financial intermediaries (UFIs)."[40] These institutions are to be found outside the official system and primarily in the cooperative and NGO sector. They focus on providing loans to groups unable to obtain credit from established banks. "UFIs are a by-product of the informal state of the economy and the stiff legal framework of official financial intermediaries. The great majority of UFIs operate as funding institutions for small- and micro-scale businesses and communal and cooperative organizations. It is difficult to quantify their economic influence, and the total amounts of their credit are not registered in the country's financial accounting." (Fuentes and Cuéllar, 1993, p. 11) UFIs take on aid programs whose resources generally come from outside the country, as in the case of donations by international organizations. This classification would include: CREDI-AMPES, BANCOMO, CAM, FEDECACES, PROCOMES, FIDECCOP AND ICCO-CONFRAS. Such institutions constitute a new expression of civil society and represent an attempt to solve certain economic problems.

The National Reconstruction Secretariat (SRN) expressed confidence in the possibility of integrating NGOs into reconstruction activities. Its 1992 report indicates that approximately $10 million had been channelled through NGOs.[41]

Political divergence among the different NGOs on objectives, goals, methodologies and interests reflects not only due to sectoral interests, but also social degree of polarization. Though the majority of NGOs are independent, the war established a basis for stands to be taken by pro-government or pro-FMLN NGOs. The permanent need for political definition led to the isolation of NGOs that were critical of the side they were not on, but gradually, particularly after the cease-fire, a trend has been growing toward independence of NGOs as an alternative for action.

The following points sum up the development and present situation of NGOs in El Salvador:

1. In the 1960s, NGOs emerged forcefully on the scene as community-based organizers and human rights advocates. The Catholic and Protestant churches and the universities played an outstanding role in this process.
2. As repression and war deepened, NGOs cropped up everywhere, assuming responsibilities once covered by the state (loans, health, housing, etc.). NGOs became polarized, as mirror-images of the confrontation between the government and armed opposition groups. NGOs in war zones and areas where opposition groups were present demonstrated an outstanding capacity to survive in very difficult situations. During this time, they boosted their chances of obtaining funding, which flowed not only to opposition NGOs, but also to those created by members of governmental political power groups, which were then joined by representatives from private enterprise.
3. The arrival of peace created even greater possibilities of receiving funds for NGO work. In this new period, the groups cited above have continued to be active, while two new alternatives have come onto the scene:
   - International NGOs are organizing and supervising work —for example, PACT (Private Agencies Collaborating Together), whose head office is in Washington, DC, is involved in 14 countries. PRODEPAS comes under the Latin American branch of that institution. PACT receives special funding from AID.
   - Small groups, with little community-based support, have created NGOs that obtain funding, particularly from outside El Salvador, because they are called NGOs.

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40 Translator's note: "UFI" is merely an acronym created by the translator as a matter of convenience and should not be interpreted as an accepted economic term. It translates *intermediarios financieros no oficiales (IFNOs)*

41 It is significant that 77% of that amount was channelled through two United States NGOs and El Salvador's FEPADE and FUSADES, both with connections to the business sector.

These developments illustrate the structural changes undergone by NGOs, which began as non-profit organizations based to a large extent on volunteer work and directly connected with the groups in greatest need. The boards of directors and members of such NGOs were usually well recognized in their communities. A large influx of funds has presented NGOs with new possibilities. It has fuelled the creation of intermediaries, even on the international level. Such intermediaries have fund-raising know-how and are familiar with the planning and accounting procedures generally accepted by donors. These procedures, presented under the heading of "technical assistance," are handled through intermediaries.

It is obvious that, from their simple origins, NGOs have been required to develop an increasingly sophisticated way of presenting projects, reports, etc., which is required by the guidelines of many donors. This situation fosters the use of intermediaries, even those from developed countries, which, though classified as non-profit, consume resources and control important facets of the relationship.

One point to be clarified is the definition of a "non-profit" organization. This concept has become more complex in the context of NGOs because a bureaucratized institution, which spends heavily on salaries, travel and per diems, will not make any earnings while consuming its income, though it will reap benefits. It is also appropriate to question whether or not NGOs should continue to perform acts that are normally incumbent upon the state. Another source of concern is to what extent NGOs are truly representative as intermediaries for the community. In some cases, when the leadership speaks for NGOs, the grass roots seem to have little access to projects.

Equally worrisome are procedures based on hierarchies and controls, for they prevent communities from learning through their own experiences and responsibilities in the development of projects. Though groups often lack specific knowledge (computer, bookkeeping skills, for example), consideration should be given to whether the best alternative is to bring in institutions from outside. In Central America and El Salvador, there are organizations that can do such work and, at the same time, contribute to the development of the country in a specific sector. The universities have human resources capable of assuming that type of responsibility. An interrelationship between universities and NGOs would have the great advantage of fomenting the development of both.

Considering the large amounts invested in developing NGO projects, donors should reach a consensus on support for long-term projects. They should confirm that the bulk of resources are actually being used toward local and regional progress, with the participation of community-based organizations at all levels: planning, implementation, resources and evaluation of results.

The triple university-popular groups-politics relationship has been an important characteristic by which universities have been transformed into structures that support and promote social participation.

According to Sollis (1993), the strong points of the FMLN-affiliated NGOs are having: survived in particularly difficult circumstances; developed capabilities and initiatives for providing the population with aid, despite extremely adverse conditions; and, later, succeeded in improving their projects, while continuing to learn from the processes of civil organization that are assisted by international agencies.

In a report prepared for the US Congress, Urra (1993) estimates that US$55 million of AID's assistance to the National Reconstruction Plan has been channelled through NGOs.

B. Trade-Union Organizations

Throughout the history of El Salvador, trade unions have been one of the most-persecuted sectors. Marco Tulio Lima,[42] of UNTS, made the following remark on this subject:

They told soldiers that they could kill civilians and that, if they were communists, Christians or members of a union, they had to kill them." According to Luis Torres,[43] of FEASIES, "Before, being a union

42 Interview, September 1993.

43 Interview, August 1993.

activist was a crime. Relations with the Armed Forces were 'to the death' ... Whoever didn't think like they did was their enemy.

The murder of trade unionists and attacks on their headquarters were daily occurrences during the war. For example, ILO case number 1273 (1989) states that the International Confederation of Free Trade Unions (ICFTU), the World Federation of Trade Unions (WFTU) and other trade-union organizations have requested an investigation of serious threats against union members, the murder of union leaders, disappearances of members and an explosion caused by dynamite at the office of the Asociación Salvadoreña de Trabajadores de Telecomunicaciones (ASTTEL). In 1990, the Federación Nacional Sindical de Trabajadores Salvadoreños (FENASTRAS) denounced the disappearance and murder of leaders and members, as well as harassment and break-ins at union headquarters.

Trade unionists also experienced dismissals and a failure to observe or negotiate collective agreements and to respect Salvadoran laws. In 1991 complaints of this nature were made to the ILO by: the Sindicato de Trabajadores de la Lotería Nacional de Beneficencia because of the unjustified dismissal of 14 workers; the Federación Unitaria Sindical de El Salvador (FUSS), as a result of the firing of union leaders from the Sindicato Gremial de Educadores de la Empresa Privada (SGEEPES) and the closing of coffee plants in violation of collective agreements and laws; the Sindicato de Trabajadores del Fondo Social para la Vivienda (SITRAFOSVI), concerning persecution of a union leader and members of the Fund; and the Federación de Asociaciones y Sindicatos Independientes de El Salvador (FEASIES), which denounced the closing of the Instituto Regulador de Abastecimientos (IRA), the dismissal of 1,150 workers and military occupation of workplaces.

Complaints related to dismissals and non-observance of labour regulations continued in 1992, and FENASTRAS denounced the murder of 20 union members (ICFTU, 1993). In 1993,[44] complaints had been presented by: the Federación Internacional de Trabajadores de la Construcción y la Madera (FITCM) due to violations of union freedom; the Federación de Asociaciones y Sindicatos Independientes de El Salvador (FEASIES) for the same reason; the FUSS, which accused the Ministry of Labour of preventing the establishment of several trade unions; and the ICFTU, which charged that two unidentified armed men broke into the home of the leader of the Central de Trabajadores Democráticos, Lucas Bernal Mármol, tied up his wife, abducted his six-month-old son and threatened his nephew.

ONUSAL states that "in a society without solid traditions of balanced power in labour relations, infringements on union freedom and recurrent regulatory and procedural obstacles to labour rights have commonly affected the use of said freedom, causing serious harm to workers' rights." (UN report S/25521, p. 57)

New circumstances such as international structural adjustment policies and the establishment of "maquiladora" zones for export, mainly to attract foreign capital have contributed to unionizing problems in free trade zones (ICFTU, 1993), where organizing is avoided by systematic firing.

Moreover, ANEP and the Chamber of Commerce have promoted the development of "*solidarismo*" as an alternative to trade unions.

Despite these difficulties, the labour movement was able to build a communication structure named the *Intergremial*, which is composed of three groups of affiliated trade unions, the Unidad Nacional de los Trabajadores Salvadoreños (UNTS), the Unión Nacional de Obreros y Campesinos (UNOC), and the Central General de Trabajadores (CGT), as well as of the National Debate for Peace in El Salvador (CPDN). The signing of the Peace Accords prompted a new striving for rights through negotiating processes. Familiarity with this new situation is quite difficult because it requires training, education and resources if an equitable exchange between business and labour is to be established. Gregorio Osorio,[45] Secretary of FEASIES, said:

44 Up to August 12, 1993, ILO.

45 Interview, August 1993.

The transition has left problems in its wake; we don't know the direction organized labour is taking. We don't know how to get democracy going." He explained further: "The labour movement needs technical training, schooling and guidelines to understand better and be more interested in union affairs than in party politics. Legal advice is essential. We are at a disadvantage in the Forum because the lawyers are not familiar with labour issues since most of them trained to serve the ruling class.

The Forum' problems reflect obstacles in the consultation processes. Groups with fewer resources need to be strengthened, especially on the levels of education and communication, while the sectors that have traditionally held power must be encouraged to be more flexible.

Union strategies to have their demands met are still seen by the business sector and the government more as reactions to parties' policies than as part of the fight for workers' rights. A case in point was the strike staged by Ministry of Health workers for better wages. It was described by Kirio WALDO Salgado, President of the Instituto Libertad y Democracia (ILYD), as part of the "Plan Fuego," a destabilization plan of the extreme left to be carried out before, during and after the elections. He claimed that, if the UNTS was involved in the strike, it was because the FMLN was behind it all. Salgado's assertion was the same as what President Cristiani had to say, namely that the strike was spurred on from outside by the Communist Party and the FPL (*El Diario de Hoy*, September 14, 1993, p. 23).

FMLN Coordinator Schafik Handal responded to these claims at a press conference on September 10, 1993: "The FMLN decided quite a while ago not to discuss union matters in the party; they are discussed in the unions ... The FMLN is a legal party; when are people going to stop calling that into question? It's unacceptable. Our members have a right to take part in associations ..."

Trade-union autonomy is debated within the unions; as Luis Torres,[46] of FEASIES, says: "Though the unions have been heavily influenced by political parties or groups in the past, at present it is advocated that they concentrate on specific labour affairs."

The trade-union movement is currently weak and in the process of readjusting its forces. This has fostered a new flexibility concerning the need to reach an educational strategy for unions and to promote inter-union and inter-sectorial relations and democratic participation in decision making; to facilitate legal, social and psychological counselling; and to further international relations.[47] There is a particular need to promote communication and information systems in support of negotiations and consultation.

To gain improvements in welfare rights, the first requirement is to strengthen wage earners' movements (blue- and white-collar workers and others), because with the necessary strength, this sector will contribute to shifting the balance in favour of the minimum living conditions mentioned above. Obviously, democracy cannot be sustained on misery.

2. Mass Media

Because of the war, mass media were subjected to state control. With the Peace Accords, the media have developed in an encouraging way. They now present a wide variety of positions. Discussion is promoted through call-in programs, especially on the radio, as well as with public political debates, such as those organized for television by the Central American University.

A leftover from the war is the explicitness of gruesome descriptions (mutilated bodies, etc.) in the news, particularly in the viewing media. Continual contact with such jarring images could accustom viewers to violence and even make it seem "normal." In addition, ever-present foreign programs, particularly from the US, encourage violence: cartoons, Rambo-type serials and so forth. The question needs to be asked: Is this encouragement appropriate in a postwar period when attempts are supposedly being made to replace violence with dialogue?

46 Interview, August 1993.

47 Personal communication with FEASIES.

In May 1992, the journalists reflected on their profession at a seminar on "Freedom in the Practice of Professional Journalism," organized by IEJES (Legal Studies Institute of El Salvador) and supported by COPAZ. They identified several problems including: the non-observance of freedom of expression on the part of media owners; violations of the Constitution and Labour Code; monopoly over the media; a lack of awareness and conviction on the part of media workers; a lack of will on the part of communications employers and the government to create space for free association; journalists' fear of organizing due to threats from employers; and concerns over establishing ties with leftist trade unions or organizations. Proposed solutions included: establishing a federation of journalists, a code of ethics, and mechanisms to facilitate participation by community-based sectors. Maribel Amaya,[48] of the COPAZ Subcommission for Freedom of Expression, says the Subcommission has shown special concern for this issue and has searched for fora where alternatives for freedom of expression can be extended.

The Coordinadora de Radios organized a round-table discussion on "Democratization in the Media," held on July 28, 1993, in the auditorium of the Archdiocese of El Salvador. It was broadcast on community radio. Carlos Ayala, director of the Central American University José Simeón Cañas' Radio YSUCA, stated that the right to communication transcends freedom of expression in that it implies related rights: association, organization, etc. Ana María Merino, a member of the COPAZ Subcommission for Freedom of Expression, claimed that speaking about democracy means speaking about freedom of expression and that more thought and discussion should address the matter of strong political influence on mass media.

As Christian Democrat leader José Antonio Morales Erlich[49] pointed out: "Democracy is a philosophy of life. It is hard to learn, and it cannot be experienced by decree." An undertaking of this scope needs cooperation from the mass media, especially newspapers, radio and television, and it must be introduced into the formal education system at all levels.

The social impact of the mass media makes them particularly responsible for democratic development and publicizing human rights. During the election campaign, the media were more accessible through debates on television and radio. It is important to broaden these kinds of programs which can serve as means to educate the masses. Journalists are at the threshold of great historical responsibility; an open-door media policy will be a determining factor in communication between different social groups.

V. Welfare Rights

1. Poverty in El Salvador

The already poor material and spiritual living conditions of the majority of Salvadorans deteriorated even further during the course of the war. The crisis and violence profoundly affected what the UNDP calls the structural conditions for ensuring human development.

In the Human Development Index (UNDP, 1993, p. 154), El Salvador shares position number 110 with Nicaragua. This is the last-place rating for societies with medium-level human development. The rating is based on literacy, life expectancy, average number of schooling years, per capita real income and other indicators. El Salvador's performance is even more alarming in what is called the Human Development Profile, which includes information on health-care services, water, environmental sanitation, calory intake, daily newspaper circulation, the number of radios and television sets, etc.

Despite the "expulsion" of approximately one million people during the 1980s, unemployment and underemployment increased considerably. According to the most recent data (MIPLAN, June 1990) from Home Surveys, 422,513 people were involved in the so-called informal sector. This amounts to more than

48 Interview, September 1993.

49 Interview, August 1993.

35% of the work force. In order to provide an idea of the level of poverty in this significant social group, we point to the following figures: Micro-scale employers in the informal sector collected an average monthly remuneration of 1,674 colones (US$199.28), which equals 3.1 minimum salaries (540 colones = US$64.28); whereas permanent employees in the same sector received an average of only 433 colones (US$51.54), which represents 80% of the minimum salary.

Employment and income problems, which relate to housing, health, education and other matters, are the major sources of social inequities and violent abuse of basic rights, which are linked to human dignity. Even if the economy becomes more dynamic, El Salvador's extreme poverty cannot be eliminated without active state and NGO involvement. For example, the social security system, which covers those lucky enough to have a permanent urban job, has been growing very slowly. Only 4.4% were covered in 1960. This climbed to 8.4% in 1970 and to 11.6% in 1980. The 1981 figure was 13.8% (only 4.7% of the total population), 71.1% of whom are located in the city of San Salvador. In other words, the poorest sectors of the population are not protected by social security. (ISSS, *Estadísticas*, 1991)

Chronic malnutrition is high, especially in rural children, with 30% of those entering first grade showing at least some degree of retardation as a result of malnutrition. Women are the basic providers for approximately 50% of Salvadoran families. In former war zones, this figure is 64%. The usual explanation for this situation is the large number of men who have died. Of the 80,000 people killed during the war, 90% were males. However, other factors such as displacements, emigration and even fathers' lack of responsibility for their children must be included in this explanation. (CEMUJER, 1993)

Following the signing of the Peace Accords, the government's immediate — and undeniably successful — policy was to revive some macro-economic variables and to reinstitute "fully the free market economy". (ANEP, 1994, p. 34). Unfortunately, the social cost was never commensurate with the needs unveiled by peace nor with the hopes fanned by democracy. After a decade of recession, the crisis seemed to end with the government-sponsored Economic and Social Development Program for 1989-94. Outward-looking elements revived production in 1990-91 and foreign or repatriated capital was courted. A tax reform that introduced a value added tax was partially successful.

What most helped the country's recovery, however, was international aid and the start of the National Reconstruction Program. Increased consumerism, on the one hand, and parity of the colón, on the other, were stimulated and maintained, respectively, by the volume of dollars sent into the country by approximately one million Salvadorans abroad. This is another way in which the poor population contributes to the smooth running of the economy.

Neoliberal economic measures were implemented with less reticence than the strictly political aspects of the Chapultepec Accords. Privatization put an end to control over foreign trade, the banks, the Instituto Regulador de Abastecimientos and the Instituto de Vivienda Urbana (institutes of regulation of supplies and urban housing), telecommunications, the post office and others. Although inflation was not high, the cost of living increased and public services were cut back. Almost nothing was done to ease the problems of the rural population, although some NGOs played an important role in organizing foreign aid.

From the union vantage point, the ARENA government is considered an ally of business, as a union leader commented: "This government is not interested in economic stability, but in maximum profits. And what I call economic stability is what will allow us to get along more or less, without anyone starving to death." Christian Democrat member of the Legislative Assembly, Gerardo Le Chevallier,[50] remarked: "... this is a government that says it has no money for projects it doesn't like, and it has millions for what it loves, like privatizing banks ..."

50 Interview, September 1993.

Business people have different positions, some of which are a source of concern even for the ruling party. ARENA member and President of the Legislative Assembly Gloria Salguero Gross[51] said: "What we need is a change in attitude in some sectors. I might also say that sectors of big capital in El Salvador need to change their attitude ... I'm referring to those business people who think only of themselves; they think about productivity, and that's all. They don't think of the broader picture ..."

Juan Héctor Vidal,[52] Executive Secretary of the National Association of Private Enterprise (ANEP), emphasized business people's good will:

> *There is no country where business people have shown more solidarity. There are many private foundations for health, drugs, housing, the environment, etc. ... We're not interested in having people live in poverty; we're not interested in exploiting the workers in factories, as they say on the left. Of course not! ... We don't want them to work only to subsist, we want them to become business people ...*

From a purely pragmatic point of view, peace is also beneficial for the development of capital, and thus in business' interest, provided that there is no danger of the country becoming ungovernable. Salvadoran business people have been used to maintaining production even in the worst times during the war.

Initial economic growth following the end of the war was due to short-term circumstantial factors such as the effects of the Peace Accords in the areas of investment and cooperation and the resumption of many production activities, for example, urban construction, and of financial and speculative channels. However, the country still faces the challenge of modernizing its old industrial plant and reviving agriculture and livestock raising, by pursuing new options on the world market.

Defence spending increased even though the size of the army was halved and there was no war burden. This has negative repercussions for the permanent shortfall in tax revenue. Generally, the results of the so-called economic revival devised by business have been ambiguous since the scheme is a new version of the government's economic policy style before the war began. The masses, so brutally affected by this policy, have not benefitted, directly or indirectly, in terms of their standard of living. Meanwhile, urban speculation, the construction of large shopping centres and growing consumer opportunities for the middle class give that class the impression of living in an expanding economy, in a market that has recovered and is showing its best commercial assets.

Since Cristiani's government was a business government, with no intermediaries, a climate of trust has been rebuilding gradually. In the ARENA government, the top civilian authorities are inextricably linked with the economic elite. Given this marital bliss at the apex of Salvadoran society, the overlap between political and economic power makes way for novel conditions of competition in elections; the system of political domination can finally begin to consolidate.

2. The National Reconstruction Plan

In March 1992, following an extensive discussion, the Cristiani government presented a proposal to the donors' conference, organized by the World Bank, for a pacakage of financial support. The proposal was supported by the private sector, trade unions, COPAZ and the FMLN.

The encouraging consensus, probably due to urgent economic need, had a significant influence on the donors and commitments amounting to roughly $800 million were obtained for the first two years. By January 1992 Cristiani had created the National Reconstruction Secretariat, which had the power to organize and manage the project.

NGO participation in rebuilding the country has been reconfirmed at the government level: Norma de Dowe, General Secretary of the National Reconstruction Secretariat, stated that reconstruction "is everyone's responsibility" and that NGOs are major players in the Plan. (*La Prensa Gráfica*, November 1, 1992) On

51 Interview, September 1993.

52 Interview, September 1993.

February 2, 1992, while inaugurating the Plan in Sensuntepeque, President Cristiani indicated that it should become "a channel that, on one hand, will extend economic and social action by the government; and, on the other, and, perhaps, most importantly, will offer new opportunities so that the private sector, community associations, NGOs and municipalities may take an active part in this noble task, incumbent upon all Salvadorans."

Despite the indications concerning its breadth, the first Secretariat's communal projects began in cooperation with an organization that had already participated in such work: Municipalidades en Acción (MIA), which was managed by CONARA (Comisión Nacional para la Restauración de Areas).

The Peace Accords mention the creation of a Reconstruction Fund, without indicating how different groups are to be included in decision-making. However, the establishment of a government body, which excludes the FMLN, NGOs and other opposition groups, in addition to the merger with CONARA (associated with wartime counterinsurgency), did nothing to facilitate exchanges or, much less, consensus. Some international donors and organizations, such as the UNDP, expressed concern about this, whereas AID, which had funded CONARA and MIA in the past, unhesitatingly supported the government's initiative.

There is evidence that CONARA is perceived negatively. This has seriously damaged the public image of the National Reconstruction Secretariat and, in turn, has affected the support of international donors, with the exception of the United States. CONARA's partiality has become apparent in different cases, such as one involving the distribution of food and clothing to the San Vicente flood victims in October 1992, when CONARA concentrated its aid on the government-created communities of Nuevo Amanecer.

Because important groups in civil society do not trust the SRN to act as the general coordinator of the reconstruction process, SRN does not have information about how all the money is used. Some donors prefer to hand their funds over directly to the NGOs, which, in turn, are reluctant to share information concerning these sums.

Long-standing distrust of government has led social organizations to call for a "New Popular Economy" (NEP). Seen as an alternative strategy for the majority of Salvadorans, the NEP is based on popular organization to solve poverty and marginalization. The NEP has emerged in close connection with NGOs through self-management projects created by and with the most disadvantaged groups. Julia E. Martínez proposes that these groups should have access to National Reconstruction Plan (PRN) resources and even to those of the Social Investment Fund (FIS) so that they can contribute more vigorously to reconstruction (Martínez, 1993).

Considering the large amount of available funds and the government's degree of control over them, a monitoring body, including representation from the different opposition groups, would be advisable.

Regarding funds for the PRN, though AID is currently providing the PRN with so much support that in 1993 the National Reconstruction Secretariat was unable to invest all of it, there is a risk of encountering economic difficulties in the future if other donors cannot be attracted.[53]

International donors, especially AID, have a major responsibility in this process of investment and support for the development of human and infrastructural resources. AID needs to make its policy compatible with the guidelines of the US Congress, which indicate that support should be provided for reconciliation and reconstruction, in accordance with Peace Accords. This means including NGOs that, for many years, were viewed as "enemies" of the previous political plan. Sollis (1993) says, "The responsibility that the US must bear is one towards the whole of Salvadoran society rather than towards the ESAF (El Salvador Armed Forces), the US's most important wartime ally."

Canada earmarked five million dollars to bridge the first two years following the cease-fire. Approximately half the amount was set aside for projects on housing, self-sufficiency and production for returning Salvadorans, ex-combatants and cooperatives through the Community Development Support Program

53 See Sollis (1993) for an analysis of AID policy on reconstruction in El Salvador.

(PADECO). The main aim of this initiative is to promote socio-economic development while also fostering democracy, including respect for human rights.

Foreign aid is required at almost all levels. For example, agricultural loans are presently available to only 15,000 peasant families, while an estimated 400,000 need such credit. The new situation in El Salvador requires support from NGOs that are highly experienced in communal organization. Therefore, the Secretariat should extend its radius to more equitable and less politicized work.

VI. Non-Discrimination Rights

1. Gender Rights

Women constitute the majority of El Salvador's population: approximately 51.4%. Women also make up 55% of the working-age population. However, only 53% of these women receive some type of income. Roughly 45% take part in the informal sector. In urban areas, 31.3% of women receive less than the minimum salary, and, of these, only 17.9% are employed in the formal sector. In the category of employed women, 74.4% have no retirement pension fund or health insurance. Furthermore, 36.5% of mothers in El Salvador are illiterate (*Plan Nacional para la Mujer*, 1992).

Violence is part of daily life for women in El Salvador: one of every six has been raped, and one of three has suffered some kind of sexual abuse. (*CEMUJER*, 1993) Mercedes Cañas (1989) carried out a survey with 200 children, 57% of whom claimed that their mothers had been battered at least once by their fathers. However, in keeping with customs, those guilty of family violence go unpunished (Guirola, Yolanda; 1993).

Alba América Guirola,[54] from CEMUJER, asserted: "Violence is present in all social strata. Upper class women are also beaten; of course, they are better able to cover it up, while poor women can't escape."

Women in El Salvador face multiple obstacles: in economics (the high cost of living, unemployment, double workday); social culture (discrimination); physical and psychological aspects (rape, abuse, belittlement and low self-esteem); education (illiteracy, lack of technical skills) (*Plan Nacional para la Mujer*, 1992). War has forced many women to cope on their own with the fight for survival of their families; prompting some to become community leaders and organizers.[55] In contrast to men:

> *As women, we suffer violation of our rights not only from a repressive state apparatus, but also from those directly or tangentially in our entourage: husbands, mates, fathers, stepfathers, brothers, employers or mere strangers. This situation is completely foreign to males, who constantly suffer human rights violations because they belong to a specific ethnic group, proclaim a certain ideological choice, come from a disadvantaged social class, etc., but NEVER because they are males.* Guirola, 1993, p. 82

The phenomenon of "living for others", including making sacrifices for one's loved ones, has been one of the most highly praised characteristics of Latin American women. It is a virtue that turns into oppression because on accepting suffering and self-denial as inherent to life, women lose their sense of self-worth, to the point of coming to consider themselves as people without rights. In connection with this and with poverty, is a marked emphasis on promoting proposals to improve conditions for the family: economic, health care, housing and education, leaving civil and political rights in the background.[56]

The new situation has provoked the mistrust of women since they have learned that, historically, after wars, in which they take on non-traditional roles, the attempt is made to put them back into previous situations. This analysis leads them to be practically the only group that has openly questioned the Peace

54 Interview, August 1993.

55 See Faunée (1994) for an analysis of the evolution of the family in Central America.

56 See Sibille et al. (1993) and Caravaca (1994).

Accords. In the words of Alba América Guirola: "The Accords have meant nothing (to us). The former combatants violate women's rights." Isabel Ascencio,[57] on the Organizing Committee of the Sixth Feminist Meeting, pointed out: "Following the Peace Accords, political structures are being redefined, and we are finding that they are male structures, with the same conceptions and the same patterns, and when we women decide to speak up, they try to discredit us."

What alternative to choose, then? Share in power or try to change the patriarchal form and strategy which has always been upheld?

I. Ascencio continued:

The state apparatus is very corrupt, and no one has attacked women more than it has. Some women say they don't want to waste their time on that way of wielding power; others say that's the way society is, and we can't change it. That's why we have to do what we can ... We distrust the leaders. We're afraid they'll use us, that they'll be concerned with party politics, not with women's interests...

Society's lack of trust in the power machine fosters an even greater concentration of power within this machine, thereby discouraging participation by citizens.

Because of such acts of aggression and the absence of channels for participation, Salvadoran women chose alternatives for self-defence, including support through organized groups. The number of women's interest groups has multiplied, and these groups now represent a movement with great social impact. More than 100 such organizations currently make up a totally heterogeneous whole, and they have created women's secretariats in political parties, unions, professional associations, community-based groups, churches and universities.

Common goals have been important at different levels of struggle because they have prompted feedback on women's experiences to circulate among different political groups and have led to the creation of communication networks, as women search for common features in striving for a policy of equity. Some of these networks are Concertación de Mujeres por la Paz, la Dignidad y la Igualdad, with over 20 organizations; the Red por la Unidad y el Desarrollo de las Mujeres Salvadoreñas, with over 30 organizations; the Movimiento de Mujeres "Mélida Anaya Montes" (MAM), with about 10 groups; and, on the electoral level, Mujeres 94, which will be considered later in the present document.

In this framework, a proposal was presented in October 1992 for a National Women's Plan, developed with participation on the part of governmental and non-governmental organizations: Secretaría Nacional de la Familia, Mujeres por la Dignidad y la Vida, Dirección General de Estadística y Censos, CEMUJER, Dirección de Población, MIPLAN, CENTA, ISTA, PROVIDA, OSPA-MAG, UCA, CONAMUS, CRIPDES, ASDI, SEMA-MAG, MSPAS and GAES-MIPLAN.

The main objective of the plan is to bring women into El Salvador's process of comprehensive development on an equal footing, beginning with a consciousness-raising program on the problems of gender. This program would address the general population and, especially, national, regional and local authorities.

The proposal includes an educational program aimed at formal education and mass media; a program on gender and health, including subjects such as violence, sex education and public health; and an information program intended to collect, process and disseminate statistical information on the status of women. To ensure that the programs will be carried out effectively, specific sectors were identified: education, health, legislation, labour and statistics.

The women's movement has been dynamic in the past few years; its demands are especially important because they call into question the authoritarian structure of the society as a whole and infiltrate all social strata with pro-equality reasoning. Silvia Hernández,[58] Director of the Oficina de la Mujer, sums up the

57 Interview, September 1993.

situation: "Real democracy will come when women are given the opportunity to participate from whatever position they are in."

In Latin America, women creatively confronted power in conflict situations. When wars end, they have questioned the distribution of leadership positions, even within their own organizations. They participated actively in opposition forces, and in the early 1980s they accounted for roughly 20% of the FMLN's military strength (García and Gomáriz, 1989). The cease-fire has led to a new questioning of the gender status quo within society and women's organizations. This has led some women to break away from groups when they realized that discrimination against women is a common thread throughout all social strata. In some cases, in the FPL for example, women have demanded quotas of leadership positions.

The process of demanding change provides incentive to pool aims with other sectors, as Isabel Ascencio points out:

> *Before, polarization was very strong; we didn't even think about it. Recently we made contact with ARENA women, in the Forum, and we have discovered that, even though their economic needs are met, as far as being women, there is not much difference; they are beaten, scorned... As women, we have a lot in common; on the economic level, there is a big difference. We are inviting Cristiani's wife to the Sixth Feminist Meeting...*

Despite the reorganization and mobilization of political forces, women have continued to encounter difficulties in reaching leadership positions, because patriarchal power structures are closed to them and because of the socializing process. Thus women have shown a "tendency to maintain submissive behaviour with regard to men, allowing the latter to play leadership roles, while women perform functions of a 'domestic' nature. Very few women overcome traditional situations so as to carry out tasks involving organization, persuasion or other specifically political activities." (CEMUJER, *Derechos Humanos, Derechos de las Mujeres*, 1993, p. 35)

Women's participation in political parties is limited, as indicated by the following percentages for women in national executive committees or central committees: UDN, 40%; MPSC, 20%; FMLN, 14%; MNR, 11%; PDC, 7.5%; ARENA, 6.7%; PCN, 0%; MAC, 0%. This situation has not gone unnoticed. According to Gloria Salguero Gross,[59] "Women's participation in politics is just like in anything else: very limited ... In our party (ARENA), men don't want to make room for us, but we're in there fighting ..."

Even in the most orthodox power structures, such as the Army, men cannot turn a blind eye to women's demands because they must relate with them. Thus, the illusory division between public and private crumbles.

Men also have a certain level of awareness about women's difficulties in participation, and all express agreement with equality, though this may not mean real willingness to share power. For example, when Julio Moreno[60] (PCN) was asked about what room for participation is available to women, he answered:

> *I wouldn't say that no room is available, but rather that work in any organization requires a certain amount of time for activism ... I believe that this has been one of the limiting factors in the sense that few women can put aside their home and other commitments ... We're aware that women have to take an active part ... We're reorganizing our women's movement. In the PCN, we're open to participation by women, and we think that they're just as capable as men. They should participate on equal footing with men, just as any other human being.*[61]

Thus situations of basic discrimination are considered to be "natural" and politically unimportant. "The issues considered worthy of political standing, the ones that concern parties and are priorities in electoral and governmental programs, are the 'big' ones (the economy, military activity, international relations, laws), in other words, those pointed out by men as being important problems. 'Small' issues, such as the unequal

58 Interview, September 1993.

59 Interview, September 1993.

60 Interview, September 1993.

61 Not a single woman occupies one of the 13 leadership positions in the PCN.

distribution of housework between the genders, child care, *machista* behaviour and sexual violence against women, are all confined to the political periphery. They are private problems and are therefore liable to be ignored or discarded ... The fact that politics reflect only so scarcely women's interests explains, to a large extent, why women have such little interest in becoming involved in politics. " (*Mujeres por la Dignidad y la Vida*, June 1993, p. 3)

The same document continues: "The reluctance usually shown by male leaders to implement positive action mechanisms in favour of women — such as the establishment of quotas for female representation in political power structures — is irrefutable proof of their fear that women may invade their power monopoly and of the resistance that they can oppose to political advancement on the part of women." (p. 7)

On the electoral level, Salvadoran women have formed a group called Mujeres 94, and, on August 31, 1993, they established a joint platform, including: an end to incest, rape and sexual harassment; land, loans and technical assistance for women; decent housing registered as the woman's own property; job training, more jobs for women and equal salaries; an end to the rising cost of basic commodities; equal opportunity for girls at school; comprehensive care for women in more and better hospitals; comprehensive sex education and sexuality without prejudice; freedom of choice regarding motherhood; responsible fatherhood and an increase in alimony payments; respect for the environment and a better quality of life; development policies that cover the needs of women; equitable laws; and, perhaps the most revolutionary of all these points — 50% of positions of power for women.

This list reveals the breadth of interests and the encouraging boldness of the movement, which has "become the popular movement's spearhead by exercising a capacity for leadership and proposal making that surpasses anything else yet to be seen on the country's political horizon." (*Mujeres por la Dignidad y la Vida*, 1993, p. 19) In a feminist context, *Reflexiones Moradas* (CEMUJER, 1993) summarizes women's expectations in the following way:

> *As women, we are striving for a space in which egotism can be transformed into sharing and respect; where our identity is respected; where men and women gradually come to terms with sharing responsibility for the home; where it is assumed that we women have enough skills and abilities to allot our time to more productive activities and thereby contribute to the welfare of our families and society, without causing detriment to our own health; where conscious citizens are educated to live in harmony, despite their differences, to be productive and competent in the building of a new homeland; one that is literate, just and egalitarian; with infant mortality and morbidity reduced to a minimum; without children forced to live on the streets; where women can walk in the street and hold a job with no fear of harassment, blackmail or rape; where women and men share in full, walking hand in hand, with determination and without stereotypes; in other words, we are striving for a space for men and women in which we, as women, can freely conceive our relationship with society and social change... (p. 55)*

Though the movement for women's rights has particular strength, there is a risk that social awareness will remain rhetorical and not generate practical application. This has happened even in revolutionary organizations.[62]

At the state level, efforts to overcome the contradictions generated by an ideologized position on gender have so far been minimal. In 1981, the government of El Salvador signed and ratified the *Convention on the Elimination of All Forms of Discrimination Against Women*, but its signature and ratification do not ensure the Convention's enforcement in all areas and at all levels of Salvadoran society (Fundación 16 de Enero, 1993, p. 2).

Women represent the best option for social change because they constitute the majority of the population and because of their historical experience of discrimination, their immersion and participation in all

62 According to a report on women ex-combatants and land distribution, from the outset, complaints were made about differences in the way men and women were treated. (See *Mujeres por la Dignidad y la Vida*, 1993.) Means of improving this situation were proposed: for example, considering women to be "landholders," irrespective of their family relations; finding mechanisms to promote the participation of women in communal and cooperative meetings; and carrying out a massive documentation campaign specifically for women.

socio-economic strata, their anti-aggressive upbringing and their support for the weak.

Investing in women's economic and political development is an excellent choice for democratic development. Questioning of the patriarchal model, which is vertical, authoritarian, exclusive and violent, seeps into all social processes and facilitates a generalized readjustment of power structures, thereby opening up space for participation.

2. Ethno-cultural Rights

El Salvador has experienced an intense and multiple process of mestization, the result of which is a high degree of significant ethnic homogeneity. We use the terms "intense" and "multiple" for two reasons. First, the Spanish conquest had decimated large indigenous groups, which were never to attain the demographic or cultural dimensions of the Guatemalan indigenous. Second, throughout the late nineteenth century and the early twentieth century, the coffee-growing economy completely integrated indigenous groups into the labour market, sometimes using violence to destroy their native communities. This produced a type of cultural and social "mestization."

In this century, "The government prohibited them from wearing autochthonous clothing, speaking their mother tongue and wearing the colour red. If they did, they could be accused as communists, subversives, etc. ... Our principle is based on the idea that the history of the events of Salvadoran indigenous culture will not disappear if the indigenous individual does not disappear. To defend the memory of the causes for which 30,000 indigenous died in 1932 by means of their individual cultural preservation and the economic relationship with their family group is to defend the historical legacy of unity, belonging and resistance left behind by all those who died" (Ticas and Benavídez, 1993, p. 81).

Despite the above, the people of El Salvador have maintained their indigenous roots, even if the latter are denied in the official discourse. Although the indigenous do not make up a separate social group, as in other countries, for the sake of development of a general cultural identity, their contribution must be recognized as an indivisible part of the country's development.

On participation, Nahuat Indian Amadeo Ramos[63] comments: "The indigenous have never participated in political life; we're only useful at election time." Ricardo Maier,[64] from Nahuizalco, points out: "The Indians have been pushed aside. The democracy that exists has teeth: it bites and destroys. It's not participatory. They talk about democracy, but they've never let Indians participate." This democracy "with teeth" breeds more mistrust among the indigenous.

Indigenous community-based groups and associations have made their presence and culture visible. One objective of Mujeres por la Dignidad y la Vida is to defend the rights of indigenous women. In its *Proyecto para una Nueva Nación* (Project for a New Nation), the CPDN states that "indigenous and pre-Columbian culture should be accepted as a manifestation of Salvadoran heritage, and the Nahuatl language should be taught in schools so that it can be learned and used by the people of El Salvador as a means of communicatio." (CPDN, 1993, p. 41).

Recovery of these repressed roots will help Salvadorans take on valuable cultural characteristics; their self-esteem will grow as will their potential to say "Enough!" to repression.

This detailed study based on a bibliographical review, and interviews with Salvadorans and country specialists, enables us to put forward some conclusions as the basis for recommendations for action.

63 Interview, September 1993.

64 Interview, September 1993.

PART FIVE

Conclusions and Recommendations

I. CONCLUSIONS

In the 13 years since the fall of General Romero and the appearance of the first civilian-military junta, El Salvador has experienced substantial changes, some clearly visible and quantifiable, others imperceptible and evolving slowly. Not all the changes are positive. Some reveal the force of social backwardness and authoritarian tradition. Nonetheless, the signing of the Chapultepec Accords confirmed not only changes in attitudes and behaviour of the country's political-social forces, but also respect for new values and principles. Human rights, in particular, have sensitized a large part of public opinion. Though some sectors look upon it merely from a formal viewpoint, respect for rights is acknowledged as essential to preventing a return to the past — something no one wants.

Discussion and concrete action to defend and guarantee respect for human rights have unquestionably made progress following the end of the war, but they are still insufficient in light of post-war needs. The most conservative sectors of Salvadoran society, including the Armed Forces, some business associations, some of the media, professionals and others, recognize the importance of the issue but do not defend it in practice in their activities and daily lives. None of the persons or documents consulted neglects to mention this key problem in El Salvador, but there is no agreement on how that defence can be ensured permanently and adequately.

The Chapultepec Accords contain the foundations for a blueprint of a new society for this hard-working, heroic people. The fitful optimism spurring this prospect of a new society, enables us to assert that the events of the past 13 years are the basis for predicting a different and, we hope, better future for El Salvador. We also think that there now exist positive factors of modernization that El Salvador lacked in the past. Let us look at some of them:

Military predominance over the state has weakened as rule of law begins to emerge. Governments are elected from among civilian leaders chosen by competing political parties. The democratic values of participation, representation and opportunity for all are asserting themselves. Today there is a strengthening of civil society, as we have defined it for the purposes of this document; that is: independent organizations with a real chance of influencing decisions that affect them. There is

a trend toward administrative decentralization and the strengthening of rural communities. These communities are where it is hardest to receive the dividends of peace since the force of social and political backwardness violates the right to a decent life. Freedom of speech, religion and public discussion are certainly exercised, as well as questioning and criticizing government policy in the media.

All this is occurring in a deeply contradictory and, at times, hesitant way, but it is occurring. For example, rule of law will not be strong if an independent, neutral judiciary is not established. The subject of reform and modernization of the judiciary has become a veritable watershed in political circles because it has been taken into the emotional arena of defending national sovereignty against foreign interference.[65] The fact that the same people have remained in the upper echelons of the judicial system, despite the Truth Commission's complaints, is excellent proof of the power of institutional tradition in the state and of the backing that it still receives from important sectors.

The electoral process that culminated in March and April 1994 has become the vital proof, a direct, immediate examination of the changes being wrought in the country. This is a political society undergoing the difficult experience of absorbing guerrilla forces. For 12 years, the guerrillas were considered as outsiders and enemies of the establishment, and they then were to participate on an equal footing with party-ideological forces that, until only recently, were also the guerrilla's enemies. "Understanding" the rules of the pre-established political game represents a radical change compared with the previous power negotiations. The new method of struggle may provoke disagreement not only in the leadership but also in the grass roots, and in the people, who open their eyes after a nightmare only to find that the pie has been carved up and they have not understood their role in the process. The high abstention rate in both voting rounds reflects this distance, the lack of faith in policies, alternatives, forms of work.

The political party system is just beginning. The five FMLN organizations have redefined their ideological positions, and two of them, the ERP (now Expresión Renovadora del Pueblo) and the RN, have accepted the market economy as a political project, describing themselves as social democrats, as the MNR did in the past. The search for a political centre and for moderation is common to the others (PCS, FPL and PRTC) and also to Convergencia Democrática and the Christian Democrats, who have identified with the centre for some time. The PCN, which still speaks for the military, calls its position the "moderate right." The major political force in the country, ARENA, is a coalition between right-wing extremists, heirs to the anti-communism of the cold-war years, and moderates. Some groups, identified with Protestant Evangelical Churches, reject ideological classifications. In short, we can affirm the tendency in the language used by all parties to converge in the political centre — at least in word — even though intimidation is still used in propaganda with reminders of the feasible return to armed conflict.

Social order is still maintained through the use of force and gross violations of human rights. In 1993 ONUSAL admitted 157 summary executions; there were hundreds of refusals to administer justice and over 200 reported cases of torture, ill-treatment and excessive use of force.

The strengthening of civil society is incomplete, uneven and at times gives the impression of being transitory. Only time can make these accomplishments stick, creating a new culture through which people may participate without fear. For example, up until May 1993, only 10% of workers were unionized — a low rate, but the highest in Central America — and there were 1,494 rural cooperative associations with over 71,000 members.[66] When examining the vigour of civil society, we include the NGOs, whose contribution to human rights, peace and reconstruction should be highlighted. However, they will only consolidate themselves if, during the inevitable "settling" process that is already occurring, they substantially improve their integration into society, their effectiveness and work standards.

65 For example, because they depended so heavily on US aid, the Armed Forces cannot appeal to these principles when a purge of their number is demanded and their impunity is protested from abroad. How can they speak of national sovereignty?

66 Different levels of popular organizing have increased, especially in the cities, but more needs to be done. For example, of the 567 industrial plants with union locals legally registered with the Ministry of Labour, 91.7% (520 of them) do not have an executive. In other words, they are *leaderless*. (D. Mena, 1993, p. 18)

The most obvious sign of a society's modernization, in the sense of the term used here, is its change in roles, behaviour and values in relation to women. Such a change can never be immediate or total, particularly in a society like El Salvador, but the profound inequality of opportunity that women experience in work, politics, cultural activity and daily life may begin to decrease. The joint proposal of a political platform — which is what Mujeres 94 is — is an excellent indication of awareness of the need for equality in power sharing and in society in general. These proposals have been accepted rhetorically only[67] and do not reflect a real opening up of space for women. This should lead to a review of strategy in the future.

The greatest challenges for a developing democracy lie in the absence of a tradition of participation and tolerance; this absence is still apparent in the way that the citizenry's human rights are violated. In the last two years, deep-rooted habits, beliefs and values have come to the fore when, for example, employers and workers negotiate only to show signs of blindness, intransigence and sectarianism; or when the police beat and kill people to maintain order, as happened during the joint demonstration by the disabled on May 20, 1993; or when the mass media do not honour objectivity and misguide public opinion by fanning anger and revenge. All this points to a lack of education in democratic coexistence.

In short, the changes described above are taking place in Salvadoran society and may be described as three transitions occurring at the same time but at a different pace:

- From a state of war to peace.
- From an oligarchic agrarian economy to one open to international markets.
- And from authoritarian military regimes to an electoral democracy.

The local actors in these transitions rely on different democratic skills and operate from different positions, but the scenario is defined by the spirit of the Chapultepec Accords and the magnificent support offered thus far by the international community:

(a) In transition to peace, the most important element is to progress from the period of "armed peace" in 1992 to a demilitarization of civilian life after the 1994 elections. The FMLN and the Armed Forces play a key role here, as does the strict fulfilment of the commitments contained in the Peace Accords, the main issues being purging and impunity.
On human rights, it will fall to COPAZ, the Office of the Human Rights Ombudsman and the NGOs to become strong enough to take over from ONUSAL, which will eventually have to withdraw. The outcome in this respect is cautiously optimistic.

(b) Any transition to a dynamic economy rebuilt on foundations allowing for a better distribution of the country's wealth is fraught with difficulties. Reconstruction of the market requires the trust of business and the international financial sector, in addition to cooperative relations with the trade-union movement. The Chapultepec Accords do not stipulate precise guidelines in the socio-economic sphere. The starting point is very low due to the destruction caused by the war and the deep mistrust that persists. In practice, no steps are being taken toward a social market economy. The outcome in this respect is negative.

(c) Lastly, transition toward a political democracy has progressed considerably insofar as it is confined to the electoral process, but this is only one factor in the transition. The electoral institutions are functioning and party competition is unfolding in a relatively free climate, although irregularities and persecution continue. The outcome in this respect is partly positive from the formal electoral viewpoint but negative in terms of broad participation by the citizenry.

67 Nowadays no political party would dare say it opposed participation by women, but which one would actually accept power sharing?

The three processes are closely linked. Their pivotal point is rule of law, which is still not well established due to the hindrances of a seriously questioned judicial system, the symptoms of military arrogance, administrative corruption and inefficiency. There is also the question of putting an end to violence, ensuring economic growth and integrating the majority into the job market and other levels of participation. The process is difficult because the new society must be built by the same forces that destroyed it, with few financial and human resources, in an emotional, cultural and political climate permeated by mistrust, anger and fear. Here again medium- and long-term educational factors come into play.

Human rights appear in different ways in the three transition processes: if the society is not demilitarized, there will be the tendency to use violence and arbitrariness; if there is no economic growth, there will be no work or opportunity for equal development; if there is no political participation, the potential for conflict and mistrust will grow, and so forth. In any event, respect for human rights here, as anywhere else, cannot be advocated in abstract or general terms. These rights must be protected and observed and go beyond the basic respect for physical integrity to become a real experience for the population.

If democratic development is understood to be citizen participation that goes beyond the election process, it begins with a culture of respect for, dialogue with and openness toward diversity. Speaking out as a right of human beings is the opposite of fear, arrogance and the invisibility of groups that do not belong to the power elite. In El Salvador, it is necessary to foster this basic experience of being able to act and having rights, regardless of one's political and economic resources. Education of citizens, including developing self-confidence, will open options of more equal relations.

ONUSAL has fulfilled an essential role in the transition process, having been a mediator between parties, a supervisor and inspector for the Accords, and having pointed out the rights and responsibilities of the civil society and the state. Its presence, with that of other international organizations and donors, has facilitated the development of civil society, which, after years, has found supportive bodies to which it can present its demands for respect of human rights. The state, for its part, has had to organize under ONUSAL's watchful eye, on the lookout for irregularities.

It is necessary to recognize that this society has shown that it has the human and moral resources to build a new life. The many agreements and actions taken from January 1992 to the present reveal this to be so, in addition to highlighting the tremendous difficulties involved. Therefore, cooperation should be complementary to and based on national tenets and efforts.

This is a crucial time in which international support is decisive for the democratic development of El Salvador. It is crucial because of all the needs arising in the process of creating peace and because of the hope and expectations the Salvadoran people have: this represents the potential for investing in a project to create a model of society.

A review of the difficulties and obstacles, as described in this report, may help to specify further where cooperation from abroad could be directed. Consistent with our methodology, the recommendations below must be elaborated through proposals made by Salvadorans themselves. This will happen in a joint workshop attended by leaders from civil society, state officials, and international donors.

II. RECOMMENDATIONS

The following recommendations focus: (a) on ideas that may help define general policies for international organizations interested in the observance of human rights; and (b) concrete proposals to facilitate short-term measures.

First, Salvadorans cannot successfully meet the challenges that have been mentioned merely by managing their own human and material resources. International cooperation, which was decisive in prolonging the war, is indispensable to build a peaceful, reconciled, democratic society. This is a long-term objective that can be embarked on immediately.

International cooperation will occur in a new political situation: a government democratically constituted, for the first time in the absence of war. The magnitude of ARENA's victory consolidates a conservative block of big national and foreign capital. This puts ARENA's interests into a favourable position vis-à-vis the labour movement, which was much weakened by the war.

Second, despite democratic progress, authoritarian forces still pose a serious threat: difficulties in completing the Peace Accords, some state agents' tendency to use force, the death squads, impunity and other manifestations, cast doubt on the recently elected conservative forces' will to promote democratization.

Human rights violations may thus continue, although in a more selective way, or even as remnants from the past. We must not forget that this is a totally unprecedented experience in Latin America: that of recycling and adapting to the new rules of democracy forces that grew and became strong in a climate of violence, intolerance and war.

Third, both donors and NGOs have established priorities. Donor[68] procedures and evaluations are carried out along vertical lines which may retard rather than promote democratization. Projects designed and managed "from above" obstruct participation, create dependency and convey an implicit message of submission. Our concern is not that foreign aid might be biased or arbitrary but that it not be effective or useful, that it will not have an immediate effect on democratization. In sum, we worry about bureaucratization, the lack of continuity and contradictions in international aid.

Salvadoran society needs an emergency aid effort, but with a perspective of long-term development, in the following areas:

- Overcoming poverty through a program of sustainable development.
- Overcoming violence as a form of expression of repressive power in the home, in civil society and at the state level.
- Overcoming non-participation in decision making at all social levels, with no discrimination with regard to gender, socio-economic status, religion, ethnic group, ideology or geographic area, thereby overcoming the anti-rural bias that has existed so often.

International aid organizations, basing themselves on the above points, should consider the following when making decisions:

a) Given the nature of the complex transition, respect for human rights and the construction of a culture of tolerance are the basic objectives or goals of this period. In other words, they are eminently political values having to do with competition between parties, ideological rivalry and antecedents stemming from the war.

b) Aid channelled in the direction described above should be granted through and for different organizations in civil society, that is, modes of collective presence where the interests of the poorest, most helpless or most vulnerable sectors will be defended. International aid ought to centre on the direct development of civil society as actor, executor and supervisor of projects.

c) A large number of organizations exist in Salvadoran civil society that devote themselves (or could do so) to the defence of human rights and the bolstering of democratic values: for example, trade unions, the cooperative movement, human rights organizations, women's organizations, the universities, to mention the most important.

It is difficult to pinpoint how many NGOs exist because they are so numerous and new ones are constantly being set up. Moreover, they vary in terms of their quality, scope and sense of responsibility; their

68 The first difference concerns preferred support through governmental or nongovernmental organizations. Generally speaking, projects concerning infrastructure tend to be undertaken by donors that have major resources, which often determines the purchase of foreign technology (see Kowalchuk and North, 1994, p. 12); they use foreign intermediaries and favour a hierarchical structure (see Solis, 1993). Another group, including Canada, centres mostly on direct support for communities and grass-roots NGOs.

competence would have to be determined in order to make appropriate choices. Apart from the amount of experience and social influence they have, it is important to take into account their relations with the community, whether these are direct and thus intermediaries are not used.

d) The democratic idea must be promoted by concrete example (not rhetorically) in all organizations, particularly the NGOs. It is recommended here that measures be taken to overcome concentration of power and vertical structures, and discrimination by gender. This should mean a periodic analysis of the characteristics of both the internal and external power structures with proposals to counter authoritarian behaviour. Projects and programs are of themselves excellent breeding grounds for participatory education..

e) The transition from war has promoted a kind of communication in which the halo of the politically acceptable response is much appreciated. This contradiction between word and deed produces misunderstanding and resentment between parties. It is, therefore, necessary to revive the importance of action. In the case of donors, their actions must be consistent with their appraisal of state policy and the issues raised by civil society.

If an interest is shown in developing democratic models, participation at all levels and transparency must be basic characteristics. Organizations' democratic procedures should be assessed not in rhetorical terms but in terms of whether they are really open and allow participation in decision making.

f) NGOs require a lot of intersectoral communication so it is important to encourage periodic meetings to coordinate efforts and share experiences. It is advisable to facilitate access to information on projects and activities, thereby fostering dissemination of results and openness.

g) The NGOs have made an important contribution by presenting the National Human Rights Platform (see Appendix 1), which is a starting point regarding what they want to achieve; and any goals require specific strategies on the mechanisms needed to reach them.

The time of being limited to denunciations, declarations, moral and political solidarity is over. Now it is necessary to promote education and training of human resources, the legal protection of the weak, organization and participation as the daily exercise of democratic rights, which should cover the home, work, the community, the NGOs and the state. Consequently, we must promote knowledge and respect of human rights and ensure they are guaranteed. In this new period, moreover, human rights must be understood as not only the right to security but also to participation, welfare and non-discrimination, as presented in the Constitution and in international treaties and conventions.

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69 Of the NGOs' many valuable experiences, we will mention, by way of example, the legal advisory programs of CESPAD, Universidad Centroamericana José Simeón Cañas, Universidad Nacional de El Salvador, IEJES and the FEASIES office dealing with labour rights. There has been widespread use of the media, e.g., radio programs on the election process organized by IEJES and a contest on the Constitution organized by CESPAD and aimed especially at students. Mujeres por la Dignidad y la Vida has put out excellent popular publications on gender rights. CEMUJER's participatory workshops on knowledge and self-worth for women are also a strong basis for educating to act, from an egalitarian perspective. As mentioned in the discussion of security rights, occupying a particularly outstanding role are those organizations with a great deal of experience in defending and publicizing human rights such as IDHUCA, Tutela Legal del Arzobispado and CDHES.

Based on the information we have received, below we submit our program proposal for consideration. We have indicated the focal points to be developed in the short term.

FOREIGN COOPERATION PROGRAM FOR THE NEXT FIVE YEARS

Activities	Level	
	National	Local
i) Training or education in democratic practices and national reconciliation	1	2
ii) Defence of human rights and legal protection	3	4
iii) Strengthen mechanisms of organization and social participation	5	6

Examples (based on consultations made in El Salvador):

Case 1: Support or create programs of general training for cooperatives and small landowners. Support or create training programs for union leaders of both sexes (legal information, basic bookkeeping, human relations, notions of economics, politics, Salvadoran history, etc.).

Case 2: Foster administrative training and training in human rights for communal leaders and officials. Promote courses among the rural population on their constitutional rights and how to defend them. Coordinate with universities to train groups of "promoters" at the local level to act as popular "lawyers".

Case 3: Continue to support, selectively, NGOs devoted to the defence of human rights; contribute to changes in their organizational and technical structures so that their activity becomes broad and massive, in keeping with the new times. Specifically, we recommend that legal advisory services be extended even further to protect helpless sectors of the population. Legal aid should be extended to popular sectors and human rights campaigns promoted in the media to have as much exposure as possible.

Case 4: Protect human rights through support to legal advisory services for the judicial safety of the poor population at the communal level, especially in rural areas. Build networks of these services with the assistance of local organizations.

Case 5: At the intersectoral level:

- Support the creation of fora for dialogue and consultation such as the proposal for a *National Popular Forum*. Many organizations are raising this as a need for communication. This is a way of giving social organizations a leading role, of giving direction to coherent joint action in the search for consensus or proposals for action.
- Foster participation on an equal footing, with no discrimination by gender, at all levels; encourage leadership by women and prominent roles for them through positive action.

Case 6:

- Strengthen local and regional networks of peasant cooperatives and organizations, this probably being one of the most important concrete actions foreign cooperation can take. Provide financial and technical assistance to organize poor and medium-income peasants.
- Bolster the trade-union movement by helping to train its leaders, financing studies on labour conditions and proposals for appropriate legislation. Activities bringing unions into communication with each other and forging trade-union unity are extremely important. The Salvadoran NGOs[69] can be relied on to provide their interest, ability and experience when it comes to implementing these examples. They have organized several projects that are directly related to similar goals and can be an excellent basis of action.
- Periodic meetings with donors and NGOs to coordinate efforts, share experiences and foster a democratic participation, transparency in the use of resources and egalitarian procedures.

BIBLIOGRAPHY

Abramovay, Miriam y Belle, Ingvild (1994) "Género en el Desarrollo Sostenible", San José: UICN-Oficina Regional para Mesoamérica.

Abugattas, J., Ames R. y López S., "Desde el Límite: Perú, reflexiones en el umbral de una nueva época", IDS, Lima, 1992.

Alvarenga, Ivo Priamo; Chavez Mena, Fidel; Arbizú Mata, Ernesto; García Calderón, Agustín; Leliebre, Michel; Le Chevallier, Gerardo y Handal Schafick (1992) "La Seguridad Ciudadana", San Salvador: CENITEC.

ANEP (1994) "Síntesis de la Gestión Macroeconónima 1989-94", San Salvador: ANEP.

Arévalo, Orlando (1993) "Problemática y Situación Actual del Campesino y posible alternativa de Solución", en *Presencia*, Año V, Número 18, 1993, San Salvador: CENITEC p. 6-13.

Badilla, Ana Elena (1994) "Proyecto: La discriminaciónde Género en la Legislación Penal, Laboral y de Familia en Centroamérica", San José: IIDH.

Broadbent, Ed., "Democracy, the Developing World and the Rol of Outside Agents: proposals for action, Policy Workshop and Democratization and Popular Participation in Africa", Toronto, Ontario, March, 1993.

Burgos, Joel (1993) "Que Nunca Más Suceda" en "Hombres de Maíz" *Revista Centroamericana de Desarrollo Humano*, no. 11, Abril-Mayo 1993, p.18-20.

Cañas, Mercedes (1989) "Maltrato Físico de la Mujer Salvadoreña", Tesis en Sociología. Universidad Centroamericana "José Simeón Cañas".

Caravaca, Adilia (1994) "Violencia de Género, Derechos Humanos y Democratización", San José: Consultas Centroamericanas. Mimeografiado.

Canadian Council for International Co-operation's I.D. Profile (1993) "List of Canadian Organizations Working on El Salvador". Mimeo: July 1993.

Canadian Lawyers Association for International Human Rights (1994) "Preliminary Report on Pre-Election El Salvador". Mimeo: March 14,1994.

CEMUJER (1992) "Organización de los tribunales de familia y el perfil del juez de familia", San Salvador: CEMUJER.

CEMUJER (1993) "Reflexiones Moradas", San Salvador: CEMUJER.

CEMUJER (1993) "Norma, vida insurgente y feminista", San Salvador: CEMUJER.

CENITEC (1993) "El Nuevo Modelo de Integración Centroamericana y la Armonización Regional de Políticas Macroeconómicas", Número 16: Enero-febrero 1993.

CENITEC (1993) "Propuesta de un Programa Económico-Social de Consenso para El Salvador", *Política Económica*, Número 17, marzo-abril 1993.

CODEHUCA (1993) "Diagnóstico regional sobre la situación de los derechos humanos de la mujer en Centroamérica". Memoria de un proceso de diagnóstico. San José: CODEHUCA.

CODEHUCA (1994) " Los horizontes del éxodo". El proceso de reintegración de los retornados salvadoreños y guatemaltecos. San José: PROLITZA.

CODEHUCA (1994) "La fuerza de la esperanza. Informe sobre las Procuradurías de los Derechos Humanos de Guatemala, El Salvador y Honduras", San José: CODEHUCA.

CODEHUCA "¿Para qué sirve la democracia?" en *Brecha*, febrero1994, Año XII: no I.

Comisión de Derechos Humanos de El Salvador (CDHES) N.G. "La Voz", Año 1, Epoca I, No 7. Agosto-Sept 1992.

Comisión de Derechos Humanos de El Salvador (CDHES) N.G. "La Voz", Año 2, Epoca I, No. 9. Mayo-Junio 93.

Comisión de Derechos Humanos de El Salvador (1993) "Propuesta de Anteproyecto de Ley de Creación del Fondo Especial de Reparación y Reconciliación Nacional", San Salvador: junio de 1993.

Comisión de la Verdad. (1993) "De la Locura a la Esperanza". Informe de la Comisión de la Verdad para El Salvador. San Salvador y N.Y.: Publicación del Debate Nacional por la Paz en El Salvador.

Concertación Nacional para el Cambio y la Democracia (1993) "Avanzando y Consolidando la Transición", San Salvador: marzo de 1993.

Convergencia Democrática (1993) "Concertación Nacional para el Cambio y la Democracia", San Salvador: mimeografiado

Corado Figueroa, Humberto (1993) "Movilización y Desmovilización de la Fuerza Armada de 1979 a 1993", Estado Mayor Conjunto de la Fuerza Armada. Ponencia presentada a la conferencia internacional "Desmovilización, Desmilitarización y Democratización en Centroamérica", San José: 16 y 17 de agosto, 1993.

CPDN (Debate Nacional por la Paz en El Salvador) (1993) "Aportes para el Proyecto de una Nueva Nación", San Salvador, junio de 1993.

Dada, Héctor (1992) en "Evaluación Global del Programa de Ajuste Estructural", Seminarios No. 20. San Salvador: CENITEC.

Días, Clarence & Gillies, David (1993) "Human Rights, Democracy and Development", Montréal: International Centre for Human Rights and Democratic Development.

Díaz, Francisco (1993) "Organo Judicial: un capítulo pendiente" Ponencia al Seminario "Tradición y Modernidad en El Salvador" Fundación Konrad Adenauer, San Salvador: 24 de noviembre de 1993.

Díaz, Francisco (1993) "Diez años de constitución: un balance y una perspectiva del Organo Judicial" Ponencia el Seminario "Diez Años de Constitución de El Salvador 1983-1993" San Salvador: 2 y 3 de diciembre de 1993.

Dobry, Michel (1988) "Sociología de las Crisis Políticas", Madrid: CIS .

Dunkerley, J.,(1988) "Power in the Isthmus: a Political History of Modern Central America", Londres: VERSO.

Dunkerley, J. (1994) "The Pacification of Central America", Londres: VERSO.

Facio, Alda (1992) "Cuando el género suena cambios trae", San José: ILANUD

Faunée, María Angélica (1994) "Principales transformaciones y problemas en las familias centroamericanas". Ponencia presentada a la Consulta Centroamericana Preparatoria para la Conferencia Mundial de la Mujer San José: mimeografiada.

FLACSO-IICA (1989) "Centroamérica, la Crisis en Cifras", San José: FLACSO-IICA.

FLACSO (1993) "Principios de Gobernabilidad Democrática en El Salvador", Cuadernos de Trabajo, no. 2. San Salvador: FLACSO.

Fletcher, Sylvia & Renzi, María Rosa (1994) "Democratización, Desarrollo e Integración Centroamericana. La perspectiva de las mujeres", Ponencia a la Consulta Centroamericana Preparatoria para la Conferencia Mundial de la Mujer San Josè: mimeografiada.

FMLN (1993) "Lineamientos para la Plataforma Electoral Documento Base de discusión nacional" San Salvador: Convención Nacional del Frente Farabundo Martí para la Liberación Nacional, 4 de septiembre de 1993.

Fuentes, Mario & Cuéllar, Nelson (1993) "Los Intermediarios Financieros No Oficiales en El Salvador: Un Estudio de Casos", San Salvador: CENITEC Año IV, marzo de 1993, No 15.

Fundación Flor de Izote "Reportes Semanales, 1993", San Salvador: mimeografiado

Fundación 16 de enero, PRODEPAS-PACT-UNICEF (1993). "Diagnóstico de la Situación Actual de la Mujer ex-combatiente", San Salvador: PACT-PRODEPAS.

García, Ana Isabel y Gomáriz, Enrique (1989) "Mujeres Centroamericanas ante la Crisis, la Guerra y el Proceso de Paz" San José: FLACSO.

Gillies, David,(1993) "Los derechos Humanos y el gobierno democrático", Montréal: Centro Internacional de Derechos Humanos y Desarrollo Democrático.

Guirola, Alba América "El papel de las mujeres en la construcción de una cultura de paz", Ponencia presentada al Seminario "Mujeres y Paz", Universidad de Costa Rica: 5 al 8 de marzo de 1994.

Guirola, Yolanda; Alvarado, Alexia (1993) "Derechos Humanos, Derechos de las Mujeres", San Salvador: CEMUJER.

Guirola, Yolanda (1993) "Análisis de la discriminación de género en la legislación centroamericana: Informe al IIDH. Recopilación de Legislación de Familia, Penal y Laboral. Anteproyectos y Recursos Constitucionales en El Salvador", San Salvador: mimeografiado.

Handal, Schafik (Sept. 1993) "Discurso pronunciado en el estadio Nacional", San Salvador: mimeografiado.

Hernández, Pedro J. (1991) "La situación actual de Cooperativismo en El Salvador", San Salvador: CSUCA/INVE-UES/COACES.

Hernández, Silvia (1994) "Derechos de las Humanas", ponencia presentada en el Seminario "Mujeres y Paz", Universidad de Costa Rica: 5 al 8 de marzo de 1994.

Hinkelammert, Franz J. "Nuevo Orden Mundial y Tercer Mundo. El desarrollo de Américe Latina y la cultura de la desesperanza" Centro Regional de Informaciones Ecuménicas, no. II4, febrero 1993, p.1-6

Human Rights Watch. Americas. "El Salvador. Darkening Horizons: Human Rights on the Eve of the March 1994 Elections", Vol. VI, number 4. March 1994.

Huntington, S. P. (1972), "El orden político en las sociedades en cambio", Bs.As.: Paidós.

ICCHRLA (1993) "Human Rights Situation in El Salvador". Prepared by the Inter-Church Committee on Human Rights in Latin America. Toronto: Jan-July 1993.

ICFTU (International Confederation of Free Trade Unions) (1993) "Annual Survey of Violations of Trade Union Rights".

IDHUCA (1993) "Los derechos humanos en El Salvador en 1992" San Salvador: Universidad Centroamericana "José Simeón Cañas".

IDHUCA (1994) "Resumen de la Violaciones a los Derechos Humanos ocurridas en El Salvador. Período 1984-1993" San Salvador: Universidad Centroamericana "José Simeón Cañas".

IEJES (1993) Cuadernos del IEJES No. 5 "Una nueva constitución para un nuevo país", San Salvador: IEJES .

IEJES (1993) Cuadernos del IEJES, No. 7, San Salvador: IEJES.

IEJES (1993) "El Registro Electoral.Manifiesto de los Abogados Democráticos de El Salvador y Abriendo los caminos para un nuevo conflicto", San Salvador: Ediciones Guayampopo.

IIDH (1992) Documento final de la Reunión Satélite "La Nuestra, Diagnóstico y Estrategias sobre los Derechos Humanos", San José: Instituto Interamericano de Derechos Humanos.

ISSS (1991) "Estadísticas.1991", San Salvador: ISSS.

Jensen, Marianne & Poulsen, Karin (1993) "Human Rights and Cultural Change", Copenhagen: The Danish Centre for Human Rights.

Karl, Terry Lynn "Dilemmas of Democratization in Latin America", Comparative Politics, 23, no.I, Oct.1990.

Karl, Terry Lynn "El Salvador's Negociated Revolution", *Foreign Affairs*, Spring 1992,148-164.

Kovalchuk, Lisa & North, Liisa (1994) "Canadian Development Assistance in El Salvador: A Contribution to Peace-Building?", Toronto: CAPA.

Lawyers Committee for Human Rights (1992) "El Salvador's Negociated Revolution: Prospects for Legal Reform", N.Y.: The Americas.

Lazo, José Francisco (1993) "Estrategia Electoral para 1994. La Trenza" Cuadernos Electorales, No. 1. San Salvador: IEJES, feb. 1993.

Martín Baró, Ignacio (1990) "¿Trabajador Alegre o Trabajador Explotado? La Identidad Nacional del Salvadoreño", *Revista Interamericana de Psicología*, 1990, Vol. 24. no. 1 p. 1-24.

Martínez, Francisco (1993) "Propuesta Laboral para Consolidar la Paz y la Democracia" en *Presencia*, Año V, Número 18, 1993, San Salvador: CENITEC p.1-5.

Martínez, Julia Evelin (1993) "El Proceso de Reconstrucción Nacional. Posibilidades de una estrategia de Desarrollo para los Sectores Populares" en *Presencia*, Año V, Número 18, 1993 San Salvador: CENITEC p. 23-32.

Martínez, Oscar (1993) "Análisis de la Coyuntura Electoral de 1991" en *Guayampopo*. Año I, no. 1, abril-mayo-junio 1993 p. 37-57.

Membreño, Luis "Optando por soluciones Fáciles, Condenaremos a otra Generación a la Pobreza" en Unidad Empresarial, ANEP, Año no. 4 Volumen no. 21, mayo-junio 1993.

Mena, David.(1993) "¿Logrará el sindicalismo un proyecto propio?", *Tendencias*, No. 23, Sept.,El Salvador, p. 18.

Miller, Robert (Ed) (1992) "Aid as Peacemaker: Canadian Development Assistance and Third World Conflict" Ottawa: Carleton University Press.

Ministry of Planning and Coordination of Economic and Social Development (1993) "Consolidating the Peace Through National Reconstruction and Poverty Alleviation. Report to the Consultative Group Meeting", Paris: April 1, 1993.

MIPLAN (1990) "Encuesta Nacional de Hogares" San Salvador: MIPLAN.

Mooney, Terrance Lorne (1993) "Civil Society and Government: Joint Stakeholders in Development", Paper presented at the Canadian Association for the Study of International Development, Carleton University, Ottawa, May 30-June 13, 1993.

MUJERES 94 "Plataforma de las Mujeres Salvadoreñas", Material Mimeografiado.

Mujeres por la Dignidad y la Vida (marzo, 1993). "Transferencia de Tierras. Discriminación hacia las Mujeres", San Salvador: Mujeres por la Dignidad y la Vida.

Mujeres por la Dignidad y la Vida (junio, 1993). "Hacer Política desde las Mujeres: Primera Parte Las Mujeres y la Política", San Salvador: Mujeres por la Dignidad y la Vida.

Mujeres por la Dignidad y la Vida (julio, 1993). "Hacer Política desde las Mujeres: Segunda Parte El Quehacer Político del Movimiento de Mujeres", San Salvador: Mujeres por la Dignidad y la Vida.

Naciones Unidas (1991) "La situación de Centroamérica: Amenazas a la paz internacional e iniciativas de paz y seguridad", S/23222, 29 de noviembre de 1991, ONU: Consejo de Seguridad.

Naciones Unidas (1993) "Informe del Secretario General sobre la Misión de Observadores de las Naciones Unidas en El Salvador", 21 de marzo de 1994 S/1994/375.

Naciones Unidas (1993) "La situación en Centroamérica: procedimientos para establecer la paz firme y duradera y progresos para la configuración de una región de paz, libertad, democracia y desarrollo", S/25521, 5 de abril de 1993 Asamblea General: Consejo de Seguridad.

Naciones Unidas (1993) "Informe del Secretario General al Consejo de Seguridad", 21 de mayo de 1993. S/26033.

Naciones Unidas (1993). "Informe del Secretario General sobre la Misión de Observadores de las Naciones Unidas en El Salvador", 21 de mayo de 1993, S/25812.

Naciones Unidas (1993) "Las Naciones Unidas y el mantenimiento de la Paz", N.Y: ONU.

Naciones Unidas (1992-1994) "I al X Informe del Director de la División de Derechos Humanos al Secretario General", San Salvador: ONUSAL

Naciones Unidas (1994) "Informe del Secretario General sobre la Misión de Observadores de las Naciones Unidas en El Salvador", S/1994/375, 31 de marzo de 1994. ONU: Consejo de Seguridad.

Naciones Unidas (1994) "Preparativos para la Cuarta Conferencia Mundial sobre la Mujer: Acción para la Igualdad, el Desarrollo y la Paz" E/CN 6/1994/10 2 de marzo de 1994. N.Y.: Comisión de la Condición Jurídica y Social de la Mujer.

Nikken, Pedro (1994) "Informe del Experto Independiente, Profesor Pedro Nikken, sobre la evolución de la situación de los derechos humanos en El Salvador, elaborado de conformidad con la resolución 1993/93 de la Comisión de Derechos Humanos y la decisión 1993/284 del Consejo Económico y Social", ONU, Consejo Económico y Social, E/CN. 4/1994/11 del 3 de febrero de 1994.

O'Donnell, G. y Schmitter Ph. C. (1986), en: "Transitions from Authoritarian Rule: Tentative Conclusions about Uncertain Democracies", Baltimore, The Johns Hopkins University Press.

O'Donnell G., Schmitter Ph., Whitehead L.(1993) "Transiciones desde un Gobierno Autoritario", América Latina, Latina 2, Bs.As.: Paidós.

Oficina de Tutela Legal del Arzobispado "Informe Mensual no. 132", abril 1993.

Oficina de Tutela Legal del Arzobispado "Informe Mensual no. 133", mayo 1993.

Organizaciones No Gubernamentales (ONG's) (1993) "Plataforma Nacional de Derechos Humanos para un Nuevo Gobierno y una Nueva Nación". San Salvador: Mimeografiado.

Partido de Conciliación Nacional (1980) "Declaración de Principios y Objetivos del Partido de Conciliación Nacional", San Salvador: Material mimeografiado.

Pérez, Andrés "The International Centre for Human Rights and Democratic Development: A New Approach to Politics and Democracy in Developing Countries", *Canadian Journal of Development Studies*, Vol. XIII, no. 1, 1992 p.91-101

Pérez, Laura y Pichardo, Arlette (1994) "La Pobreza del Istmo Centroamericano, vista desde la perspectiva de las mujeres", San José: mimeografiado

PNUD (1992) "Directorio de Instituciones Privadas de Desarrollo de El Salvador, 1992", San Salvador: Programa de las Naciones Unidas para el Desarrollo.

PNUD (1993) "Informe sobre el Desarrollo Humano", Madrid: PNUD

PNUD (1994) "Cuarto Informe de Avance al 22 de abril de 1994", ELS/93/L04 "Apoyo al Proceso Electoral".

PROCESO (1993-1994) Informativo Semanal de la Universidad Centroamericana "José Simeón Cañas", San Salvador.

Procuraduría de los Derechos Humanos (1993) "Cuarto Informe", San Salvador: PDH.

Procuraduría de los Derechos Humanos (1993) "Informe Anual", San Salvador: PDH.

O.I.T. (1993) "Quejas presentadas ante el Comité de Libertad Sindical de la OIT. El Salvador", Base de Datos actualizada a 12.8.93.

Rosenberg, Tina (1991) "Children of Cain", Co: William Mouren.

Rumsey, Suzanne (1994) "The Salvadoran Churches. A Brief Overview", San Salvador: mimeografiado.

Saint-Martin, Jean-Guy (1993)"Increasing NGO Influence on Development Policy" Paper presented at the Canadian Association for the Study of International Development, Carleton University, Ottawa, May 30-June 9, 1993.

Schmitter, Philippe C. & Karl, Terry Lynn (1991) "What kinds of Democracies are Emerging in South America, Central America, Southern Europe and Eastern Europe?" Ponencia presentada en el Coloquio Internacional sobre "Transiciones a la democracia en Europa y América Latina", Universidad de Guadalajara y FLACSO, México, 21-25 de enero de 1991.

Schouten, B. "US Foreign Asistance Strategy in El Salvador", en: Policy Options Paper Elective 229, feb. 1989 citado por G. Gaspar Tapia, "La Transición en America Latina, los casos de Chile y El Salvador", CINAS-UAM Ixtapalapa, México, 1991.

Secretaría Nacional de la Familia et al (1992) "Plan Nacional para la Mujer. Propuesta San Salvador", Octubre 1992.

Secretaría de Reconstrucción Nacional (1993) "Plan de Reconstrucción Nacional; Informe de Avance a Diciembre de 1992", San Salvador: SRN.

Sibille, Mafalda et.al.(1993) "Diagnóstico de violaciones de los Derechos Humanos de las Mujeres Centroamericanas", San José: Programa Mujer y Derechos Humanos del IIDH.

Sollis, Peter (1993) "Reluctant Reforms: The Cristiani Government and the International Community in the Process of Salvadoran Post-War Reconstruction", Washington, D.C.: Washington Office on Latin America.

Soto, Alvaro de & Castillo, Graciana del "Obstacles to Peacebuilding", *Foreign Policy*, 94, Spring 1994, 69-83

Spence, Jack & Vickers, George (1994) "A Negociated Revolution? A two Year Progress Report on the Salvadoran Peace Accords", Cambridge (Mass) Hemisphere Iniciatives, March 1994.

Ticas, Pedro & Benavidez, Marta (1993) "Presencia Indígena en El Salvador", México: Imprenta Achtli.

Torres-Rivas, Edelberto,(1984) "Centroamérica, Algunos Rasgos de la Sociedad de Postguerra", Working Papers, #25, Kellogg Institute, University of Notre Dame.

Turcios, Roberto.(1993) "Autunitarismo y Modernización, El Salvador 1950-60", San Salvador: Ed. Tendencias.

UNDP (1993) "Launching new Protagonists in Salvadoran Agriculture: The Agricultural Training Programme for Ex-Combatants for the FMLN", San Salvador: UNDP.

Urra, Pedro (1993) "Los Organismos No Gubernamentales, ONG;s , como Factores de Desarrollo, Reconstrucción y Pacificación" en *Presencia*, Año V, Número 18, 1993 San Salvador: CENITEC, p.33-53.

USAID (1993) "Democratic Initiatives Portfolio: USAID/ El Salvador's Program for the Promotion of Enduring Democratic Institutions and Practices", April, 1993.

Valle, Victor (1993) "Siembra de Vientos: El Salvador: 1960-69", San José: Imprenta Lil S.A.

Valle, Victor (1993) "Gobernabilidad Democrática o la Prevención del Caos" Ponencia presentada el 30 de junio de 1993 en el Seminario "Perspectivas de Gobernabilidad Democrática en El Salvador" organizado por la Facultad Latinoamericana de Ciencias Sociales (FLACSO) – Proyecto El Salvador.

Valle, Victor (1993) "En la Hora de Construir: La Propuesta del MNR para 1994", mimeografiado, enero 1993.

Valverde, Oscar (1992) "Informe de la Misión", San Salvador: mimeografiado.

Zamora Rivas, Miriam (1993) "De la guerra y los Acuerdos de Paz: la mujer en el sector informal en el area urgana de El Salvador" en Del trabajo no remunerado al trabajo "productivo". La participación de la mujer en el sector informal urbano San José: Fundación Arias para la Paz y el Progreso Humano, p. 87-120.

ICHRDD/FLACSO
El Salvador Democratic Development Workshop

San Salvador, El Salvador, 24-25 August 1994

I. Background

In 1993, in the context of the International Centre's newly instituted "Democratic Development programme", the Centre began commissioning studies to look at the situation of and perspectives for the development of democratic institutions and practices in each of its core countries. The conceptual basis of the studies lies in the application of a core set of "democratic indicators" developed by the Policy department at the Centre and based on key international human rights principles.

One of the first studies to be proposed was that of El Salvador, core country of the Americas Programme. El Salvador was chosen to lead off the studies for a number of reasons: the Centre has a long-standing presence in the country, a solid set of partnerships both with local groups and Canadian-based groups working on El Salvador, and the country itself had recently entered into a critical phase of transition to democracy after more than ten years of intense civil war.

Two distinguished Central American researchers, Dr. Mirta Gonzalez and Dr. Edelberto Torres-Rivas, were selected to jointly develop the study. The result was a solid, 110-page document entitled "Obstacles and Hopes: Perspectives for Democratic Development in El Salvador". It was on the basis of this study that the workshop was held in San Salvador.

In order to organize and undertake the event in San Salvador, the Centre sought out a credible and effective co-hosting organization which would also have a broad capacity to convene diverse sectors of Salvadoran society. The organization chosen as co-host was FLACSO-El Salvador, a highly-regarded Salvadoran research institution under the direction of Dr. Hector Dada Hirezi.

II. The Study

The researchers Gonzalez and Torres-Rivas provide a rich analysis of the democratic development in El Salvador's recent past and its current situation, completing the study with a set of specific recommendations for the consolidation of El Salvador's democratic transition and the establishment of an on-going respect for basic human rights. The study pays particular attention to the implementation of the Salvadoran Peace Accords which were signed between the Salvadoran Government and the FMLN guerrilla in January 1992, thus ending a more than decade-long civil war. In the study, the Accords are described as an important albeit not exhaustive foundation for a peaceful and democratic future for El Salvador. The study also paints a portrait of the state of human rights in El Salvador, focussing on the following indicators: security rights, rights to participation, welfare rights, and rights of non-discrimination.

As the study's title indicates, the researchers have a cautiously optimistic vision of El Salvador's prospects for democratic consolidation. Their analysis is that El Salvador has been going through three types of transitions, each one with its own rhythm:

1) From a state of war to peace.
2) From an oligarchic agrarian economy to an open economy emphasizing international markets.
3) From authoritarian military regimes to a political democracy.

In the case of the first transition, the researchers are cautiously positive about future prospects: the success of the transition to peace will depend on many factors. Notable among these are the efforts of the Government to fully comply with the remaining aspects of the Peace Accords,

and on the ability of local institutions to take over the work of the UN El Salvador Mission (ONUSAL), particularly with respect to monitoring and safeguarding human rights.

As for the second transition, the researchers have a dimmer view of the progress that might be made in future years, in terms of the development of a *social* market economy. The continuing dominance of traditional economic power structures in the country, on-going inequitable distribution of resources and a ravaged war economy are three particular concerns that are evoked.

For the third transition, the researchers are partially positive: they acknowledge certain progress made in the electoral system, making it more transparent and more inclusive of diverse political tendencies. However, they point out that more electoral reforms must be undertaken and that the "participatory" aspect of democracy, with ample citizens' involvement, is still underdeveloped.

In their conclusions, Drs. Gonzalez and Torres-Rivas stress that in El Salvador, there are still reasons for serious concern about human rights practices, and that human rights defense and promotion must therefore remain a priority. While clearly demonstrating that the future of El Salvador is in the hands of Salvadorans, the researchers also emphasize that, in their view, international cooperation is absolutely essential for El Salvador at this critical conjuncture, both in terms of real needs and expectations. The researchers place most emphasis on the role of international cooperation in the *direct support* of civil society groups; they also have a series of recommendations on how the workings of both international cooperation and local Salvadoran NGOs could be significantly improved.

The researchers define three broad areas where Salvadorans need both urgent and long-term support:

a) Overcoming poverty through a programme of sustainable development.
b) Overcoming violence as an expression of power and repression, at the State level, within civil society and on the domestic level.
c) Overcoming non-participation in decision-making at all social levels, and all forms of discrimination, including gender-based discrimination.

High on the researchers' list of priorities was the need to support the respect for human rights and the construction of a culture of tolerance in El Salvador.

The researchers proposed three major categories of support for human rights and democratic development in El Salvador over the next five years, both at the national and local levels:

1. Training or education in democratic practices and national reconciliation.
2. Human rights defense and legal protection.
3. Reinforcement of mechanisms of social organization and participation.

III. Workshop Structure and Results

The workshop was held over a one and a half day period, in two sessions. The first half-day was an open forum, to which a broad sector of individuals and organizations were invited: NGOs, grassroots groups, political parties, media, government intitutions, academia, the military and representatives of international cooperation. Over 60 individuals attended the open forum. The objective of the first day was to share or "socialize" the results of the study, receive comments, critiques and questions on the study to enrich the original work conducted, and to discuss proposals for democratic development in El Salvador on the basis of the study's recommendations. (See the meeting agenda, 24 august, p.79).

The second day was a full-day session conducted with a reduced number of individuals. The objective was to work on specific aspects of democratic development in El Salvador, arriving at a set of concrete ideas or activities which could eventually form the basis of a democratic development "action plan" for El Salvador. Approximately 20 persons attended the second day session. Participants divided into two tables: one, on the theme "strengthening civil society", and the other on "international cooperation". Discus-

sions were guided by two moderators, one at each table, and were based on the study's proposals, the discussions of the previous day, and each participant's own appreciation of the current needs in these areas. In the latter part of the day, both tables reported on their work and a concluding plenary session was held. (See the meeting agenda, 25 August)

On the whole, the workshop confirmed the conclusions stated above by the authors of the study, concerning the fundamental role of a civilian regime with respect to human rights and democracy in El Salvador, the needs of such a government to support this mission, as well as the decisive factor that international cooperation may constitute in the process. In addition, discussions carried out during the workshop also led to further developing the analysis and recommendations of the study, on several levels. The debates resulted in:

- reaffirming the importance of rights for women.
- Underlining the lack of attention paid to the ecological problems of El Salvador in the study on democratic development.
- Better understanding the present challenges of transition.
- Underlining the efforts of NGOs in the development of their autonomy with regard to partisan lines.

What follows constitutes a summary of the principal ideas and thoughts of the participants, as they were expressed during the different sessions of the workshop.

IV. Workshop – Results of Day 1

After opening remarks from FLACSO and the International Centre and a brief presentation by Dr. Gonzalez of the study results, three commentators presented their views of the document and its recommendations for democratic development (see agenda for names of commentators). The three presentations were followed by an exchange of questions and commentary between the panel and the workshop participants.

In general terms, all three commentators expressed their appreciation of the document and agreed with many of its arguments and recommendations. Reference was also made of the usefulness of the "democratic development indicators" which formed the basis of analysis of the study. The three commentators agreed in particular with a central thesis of the study: that for most of El Salvador's history, democratic practices were neither developed nor encouraged, but rather, undermined: the roots of the country's problems have been in its high degree of social exclusion of the majority. There is no "democratic tradition" in El Salvador.

The presentations reflected several common themes, such as the importance of full compliance with the Peace Accords, the necessity of local institutions to build the capacity to take over key functions of the UN Mission, and the importance of strengthening civil society and mechanisms of participation.

In the ensuing discussions, other ideas and comments from participants were heard: the past and future role of the armed forces in El Salvador, the invisibility of women in the recuperation of El Salvador's historical process and the need for the issue of women's participation to be addressed, the important educational role of the media and the need for environmental/ecological issues to be addressed, in the interests of sustainable development in El Salvador.

The recommendations that emerged from this first day primarily dealt with:

- The strenghtening of civil society: This includes recognizing new actors within civil society, implying, among others, a greater role given to women in this process. In addition, one of the fundamental tasks of civil society should be to oversee public institutions while contributing to the education of the population with regard to such institutions.
- The issue of personal and public security: In a post-war situation, where extreme violence has become a part of everyday life, the question of security is an essential pre-requisite for democratization. This includes reforming State institutions (the police, army, judicial system, executive and legislative powers), as

well as education on fundamental rights, with an emphasis on tolerance.

V. Workshop – Results of Day 2

After introductory remarks, participants of Day 2 divided into two separate working tables:
1) on strengthening civil society.
2) on international cooperation.

STRENGTHENING CIVIL SOCIETY

First of all, the moderator outlined five points from the study and the prior day's discussions which were related to the table's theme:

1. The lack of leadership and concrete proposals for change from civil society.
2. The indispensable nature of international co-operation.
3. The important role of NGOs, yet their lack of sufficient collaboration among themselves, sharing of information, etc. The fact that the study appears to confuse NGOs with civil society - -civil society is MORE than just NGOs.
4. An emphasis on education for democracy.
5. The withdrawal of ONUSAL.

The group then proceeded to debate the notion of civil society, which included some interesting observations:

- Civil society includes both organized and non-organized citizens.
- Organized civil society are groups who form together in order to articulate and promote certain demands to a specific interlocutor (the state, private enterprise, etc.). These groups also have some form of permanency, which evolves from the need to address collectively their demands.

It was also noted that civil society groups in El Salvador, particularly from the NGO and labour sector, have been organized for years on a partisan basis. The new conjuncture in El Salvador and the multiple challenges require that groups become autonomous, more efficient and "de-dogmatized". The internal democratization of many groups is also fundamental - many civil society organizations are vertical and undemocratic in their functioning. In particular, discussions should be held within organizations on the issue of gender and women's participation.

In terms of priorities for democratic development, the table concluded the following:

Whom?

1. It is important to support organized civil society, particularly sectors such as women's groups, unions and other labour groups, co-operatives, community organizations, human rights groups and key NGOs.
2. It is also important to try to reach non-organized civil society, who represent the large majority of citizens and are those who form "public opinion".

What?

1. For organized civil society, there is a large need among most groups for diverse kinds of training and education, from administrative, financial, evaluation, organization and planning skills, to leadership development and educative methodologies. One strongly emphasized need (echoed at the second table) was training and assistance for the development locally of *priorities, plans and concrete proposals*, to guide the work of the groups but also to guide others: government departments, Legislative Assembly, private enterprise, etc.
2. Specific needs were mentioned for three key sectors:

   Trade unions: Training needs: technical, administrative, accounting, economics, management, legal. In an era of inefficient and non-profitable state institutions and increasing privatization, unions must, in particular, develop the capacity to devise and present sound alternative proposals.

   Women' organizations: Need for broader, non-conditioned support from donors. Need to reinforce and further develop inter-group collaboration on common objectives, without partisan divisions.

   NGOs: Given the large number of existing NGOs, the broad agendas which many of them cover and the likely diminishing re-

sources from international cooperation, there is a need for assistance to help them *specialize* their functions, be more strategic in their work.

NGO personnel need education and training on the concepts and elements of human rights.

3. For non-organized civil society, it is crucial to begin education programmes and campaigns through the media to transmit the message of respect for human rights, tolerance, and to instill basic democratic values and practices. Civil society groups should make more use of traditional as well as alternative media, particularly at the local level, for such education programmes. The use of mass media will require significant resources and a concerted effort among various groups. This will also require specific efforts to gain greater access to the mass media on the part of non-governmental groups.
4. Non-organized civil society can also be reached through organized groups; these groups should attempt to express and serve the interests of the majority of the population, the most needy. The challenge is to develop programmes and activities, perhaps by sectors (women, church-related, etc.) which will bring others to participate in their communities and society.
5. To reach society at large, human rights education must begin at the primary school level.
6. More mechanisms of inter-sectoral exchange and discussion must be institutionalized (also echoed by the second table): for example, the Economic and Social Forum, which brought together business, government and labour representatives to work together on economic and labour issues, should be re-activated.
7. With regard to trade unions, the need to democratize structures and internal operations was underlined, as was the need to develop their autonomy in relation to political organizations. This implies a greater capacity to analyze and establish strategies appropriate to them.
8. The use of the law to defend and promote human rights should also be further developed and strengthened; legal assistance and para-legal education should be developed to promote the alternative use of law.

INTERNATIONAL COOPERATION

After a presentation of questions and ideas by the moderator, an exchange of ideas on the table theme of international cooperation ensued. The following points were emphasized:

1. Need for more flexible international cooperation, to suit the needs of local institutions. Crucial areas are:
   - institutional support and strengthening (operational support of groups, support for training and technical assistance).
   - support in developing proposals, plans, viable alternatives for change.
   - support for inter-institutional mechanisms of dialogue, exchange and coordination: - at the community level as well as national level.
   - among like-minded groups and groups of similar specialization, as well as groups with divergent interests and perspectives.
   - between civil society groups and the state.
2. Need to support not only civil society groups, but also some institutions of the state. Selected government institutions that are important for the consolidation of democracy should also be supported, particularly those institutions linked to the peace accords that have been identified as pivotal by Salvadorans: the National Civilian Police (PNC), Human Rights Ombudsman's Office, etc.
3. Decisions on supporting initiatives should take into account the needs of communities and grass-roots groups; there should be participation and consultation on the development and choice of proposals, so that civil society is defining *its own priorities*. In addition, international cooperation must encourage the re-orientation of NGOs when their spheres of activity become modified and lose their relative importance.
4. Better coordination and sharing of information should be developed within the international cooperation community.

FINAL DISCUSSIONS

The session ended with reports from the two tables on results of the discussions and a short plenary session where additional comments were received.

It was mentioned, among other things, that there was a definite contradiction between the interests of donors and the choices of the government. This is related to the fact that the government still gives priority to financing the armed forces, while neglecting key sectors of their country's development. One participant added that there was also a contradiction between the orientation of international financial institutions and the priorities put forth by the Peace Accords.

Moreover, the importance of the present struggle of NGOs to acquire and define their autonomy was emphasized. Considering that most of them were created in relation to the war, and hold very strong political allegiances, this work of adaptation and transformation should be supported by the international community.

As well, there is a great need to rethink the institutional channels of participation within the present crisis of the political parties. The search for new and creative forms of participation are part of the process of democratic development. In this regard, the study should have looked at the question of the relationship between municipalities, the population, and political parties.

At closing, participants expressed their hope that the two days would result in more than just an "academic exercise" and that their contributions would be taken into account in future planning for international cooperation.

San Salvador, El Salvador

Wednesday, 24 August 1994
2:30 pm to 6:00 pm

2:20 pm	Registration
2:45 pm	Inauguration: Speech by Hector Dada Hirezi, Director of FLACSO, and by Elizabeth Spehar, Head of the Americas Programme of the International Centre for Human Rights and Democratic Development.
3:00 pm	Presentation of document "Obstacles and Hopes: Perspectives for Democratic Development in El Salvador" by Mirta Gonzalez Suárez, co-author.
3:40-4:40 pm	Commenting the document: – Dr. Agustín García Calderón, Assistant Attorney General for Human Rights. – Dr. Jorge Eduardo Tenorio, President of the Fundación Obrero Empresarial para el Desarrollo y Reconstrucción Nacional and former Minister of Foreign Relations. – Ing. Jorge Villacorta, Member of the Legislative Assembly and former Minister of Agriculture.
4:40-5:00 pm	Break
5:00-6:00 pm	Question period Open discussion
6:00 pm	Closing of the meeting

Thursday, 25 August 1994
9:00 pm to 4:30 pm

9:00 am	Opening: Welcome by Hector Dada Hirezi Objectives of the meeting: Ms. Elizabeth Spehar
9:30-9:45 pm	Structuring of working groups
9:45-1:00 pm	Working groups on: – International Cooperation – Strengthening Civil Society
1:00 pm	Lunch
2:30-4:30 pm	Session: Presentation of conclusions by each working group. Plenary
4:30 pm	Closing